

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. 98-29, page 4.

LIFO; price indexes; department stores. The April 1998 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, April 30, 1998.

EXEMPT ORGANIZATIONS

Announcement 98-52, page 37.

The organization Youth Today Leaders Tomorrow, Inc., Golden Valley, MN, no longer qualifies as an organization to which contributions are deductible under section 170 of the Code.

Announcement 98-53, page 37.

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

EMPLOYMENT TAX

Announcement 98-48, page 6.

Rev. Proc. 98-26, 1998-13 I.R.B. 26, relating to the specifications for filing Form W-4, Employee's Withholding Allowance Certificate, magnetically or electronically, is corrected.

ADMINISTRATIVE

Announcement 98-51, page 7.

The Service is requesting comments from the public on the following proposed new forms and instructions; Form W-8, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding; Form W-8A, Foreign Persons' Claim of Income Effectively Connected With the Conduct of a Trade or Business in the United States; Form W-8B, Certification for United States Tax Withholding for Foreign Governments and Other Foreign Organizations; and Form W-8C, Certificate of Foreign Intermediary, Foreign Partnership, and Certain U.S. Branches for United States Tax Withholding. Prior versions of the forms, without instructions, were issued in Announcement 98-15, 1998-10 I.R.B. 36.

Finding Lists begin on page 44.

Announcement of the Consent Voluntary Suspension of Attorneys, Certified Public Accounts, Enrolled Agents, etc., begins on page 40.

Announcement of the Expedited Suspension of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries From Practice Before the Internal Revenue Service begins on page 41.

Announcement of Declaratory Judgment Proceedings Under Section 7428 begins on page 39.



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 semiannual basis and are published in the first Bulletin of the succeeding semiannual period, respectively.

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

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 472.—Last-in, First-out Inventories

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

LIFO; price indexes; department stores. The April 1998 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, April 30, 1998.

Rev. Rul. 98-29

The following Department Store Inventory Price Indexes for April 1998 were issued by the Bureau of Labor Statistics. 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, April 30, 1998.

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, food, liquor, tobacco, and contract departments.

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

Groups	Apr. 1997	Apr. 1998	Percent Change from Apr. 1997 to Apr. 1998 ¹
1. Piece Goods	533.0	547.3	2.7
2. Domestics and Draperies	653.6	642.9	-1.6
3. Women's and Children's Shoes	661.3	663.6	0.3
4. Men's Shoes	904.8	902.5	-0.3
5. Infants' Wear	640.6	628.1	-2.0
6. Women's Underwear	546.3	586.1	7.3
7. Women's Hosiery	294.4	305.5	3.8
8. Women's and Girls' Accessories	561.0	550.1	-1.9
9. Women's Outerwear and Girls' Wear	439.8	431.7	-1.8
10. Men's Clothing	622.2	633.6	1.8
11. Men's Furnishings	598.9	609.6	1.8
12. Boys' Clothing and Furnishings	498.6	498.8	0.0
13. Jewelry	1026.2	1001.8	-2.4
14. Notions	799.2	793.7	-0.7
15. Toilet Articles and Drugs	912.5	936.7	2.7
16. Furniture and Bedding	667.5	675.9	1.3
17. Floor Coverings	586.9	603.7	2.9
18. Housewares	815.9	821.4	0.7
19. Major Appliances	241.9	239.4	-1.0
20. Radio and Television	76.6	73.0	-4.7
21. Recreation and Education ²	110.2	105.7	-4.1
22. Home Improvements ²	131.4	134.0	2.0
23. Auto Accessories ²	107.3	106.8	-0.5
Groups 1 - 15: Soft Goods	614.6	615.3	0.1
Groups 16 - 20: Durable Goods	466.9	464.9	-0.4
Groups 21 - 23: Misc. Goods ²	112.4	109.5	-2.6
Store Total ³	562.6	560.8	-0.3

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).

Part IV. Items of General Interest

Rev. Proc. 98-26; Correction

Announcement 98-48

This announcement corrects certain minor errors which appeared in Rev. Proc. 98-26, I.R.B. 1998-13, which provides specifications for filing Forms W-4, Employee's Withholding Allowance Certificate, magnetically or electronically. Revenue Procedure 98-26 is reprinted as Publication 1245, Specifications for Filing Forms W-4, Employee's Withholding Allowance Certificate, Magnetically or Electronically.

Changes are listed by part and section. The actual changed wording is highlighted using *italics and bold print*.

26 CFR 601.602: Tax forms and instructions.

PART A. GENERAL

SEC. 7. FILING FORMS W-4 MAGNETICALLY/ELECTRONICALLY

.06 Before submitting your magnetic/electronic file, include the following:

(b) Your media (tape, diskette or cartridge with an external label.) **Notice 1027** describes the information which should be included on this self-prepared label.

PART B. MAGNETIC MEDIA/ELECTRONIC SPECIFICATIONS

SEC. 1. GENERAL

.02 An external label must appear on each tape, tape cartridge and diskette submitted. **Notice 1027** details what information must be on the label. The diskettes used must be MS/DOS compatible.

SEC. 7. FORM W-4 RECORD FORMAT AND RECORD LAYOUT

Field Position	Field Title	Length	Description and Remarks
140-141	Employee State	2	REQUIRED. Enter the two of employees address - must be one the following:

☛ Note 1: For foreign addresses, enter xx from table below.

Location	Code	Location	Code	Location	Code
Alabama	AL	Kentucky	KY	Ohio	OH
Alaska	AK	Louisiana	LA	Oklahoma	OK
American Samoa	AS	Maine	ME	Oregon	OR
Arizona	AZ	Marshall Islands	MH	Pennsylvania	PA
Arkansas	AR	Maryland	MD	Puerto Rico	PR
California	CA	Massachusetts	MA	Rhode Island	RI
Colorado	CO	Michigan	MI	South Carolina	SC
Connecticut	CT	Minnesota	MN	South Dakota	SD
Delaware	DE	Mississippi	MS	Tennessee	TN
District of Columbia	DC	Missouri	MO	Texas	TX
Federated States of Micronesia	FM	Montana	MT	Utah	UT
Florida	FL	Nebraska	NE	Vermont	VT
Georgia	GA	Nevada	NV	Virginia	VA
Guam	GU	New Hampshire	NH	Virgin Islands	VI
Hawaii	HI	New Jersey	NJ	Washington	WA
Idaho	ID	New Mexico	NM	West Virginia	WV
Illinois	IL	New York	NY	Wisconsin	WI
Indiana	IN	North Carolina	NC	Wyoming	WY
Iowa	IA	North Dakota	ND	Foreign Address, All Others	XX
Kansas	KS	Northern Mariana Islands	MP		

FORM W-4 RECORD FORMAT AND RECORD LAYOUT (CONTINUED)

Field Position	Field Title	Length	Description and Remarks
214-247	Employer Name <i>Line 2</i>	34	If the employer name requires more space than is available in Employer Name Line 1, enter the remaining portion of the name in this field. Left-justify and fill with blanks. Position 214 Must be alpha or numeric; hyphens must be surrounded by alphas or numerics; blanks must be surrounded by alphas or numerics or continued to the field (e.g., ab...b, aba).
<p>☛ Note: The same exceptions apply as set forth in "Employer Name Line 1" plus the use of a percent sign (%) is not valid—use c/o if necessary.</p>			
248-282	Employer Street	35	REQUIRED. Enter mailing address of employer. Street address should include number, street, apartment or suite number (or P O Box if mail is not delivered to street address). Left-justify and fill unused positions with blanks. Position 248 must be alpha or numeric; hyphens must be surrounded by alphas or numerics; blanks must be surrounded by alphas or numerics or continued to the end <i>of the field</i> (e.g., ab...b, aba).
<p>☛ Note: The only allowable characters are alphas, blanks, numerics, ampersand, hyphens and slashes. Punctuation such as periods and commas are not allowed and will cause your file to be returned. For example, the address 210 N. Queen St., Suite #300 must be entered as 210 N Queen St Suite 300.</p>			

Proposed Forms W-8, W-8A, W-8B, and W-8C, and Instructions

Announcement 98-51

The Internal Revenue Service announces that it is requesting comments from the public on proposed new Forms W-8, W-8A, W-8B, and W-8C and instructions to these forms. These new forms are being proposed as a result of final regulations published on October 14, 1997, relating to the withholding of income tax under sections 1441, 1442, and 1443 on certain U.S. source income paid to foreign persons. T.D. 8734, 62 F.R. 53387; 1997-44 I.R.B. 5. These regulations, which provide for the use of several withholding certificates, will be effective January 1, 2000. See Notice 98-16, 1998-15 I.R.B. 12. Prior versions of the new forms, without instructions, were issued in Announcement 98-15, 1998-10 I.R.B. 36.

Form W-8 (Certificate of Foreign Sta-

tus of Beneficial Owner for United States Tax Withholding) would be provided to a withholding agent or payer by a beneficial owner of certain types of income to establish foreign status, to claim that such person is the beneficial owner of the income for which the form is being furnished, and if applicable, to claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty.

Form W-8A (Foreign Person's Claim of Income Effectively Connected With the Conduct of a Trade or Business in the United States) would be provided to a withholding agent or payer by a foreign person claiming that certain income is effectively connected with the conduct of a trade or business in the United States.

Form W-8B (Certification for United States Tax Withholding for Foreign Governments and Other Foreign Organizations) would be provided to a withholding agent or payer by a foreign government, international organization, foreign central bank of issue, or foreign

tax-exempt organization to claim that such organization is the beneficial owner of the income for which the form is being furnished, and if applicable, to claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty.

Form W-8C (Certificate of Intermediary for United States Tax Withholding) would be provided to a withholding agent or payer by an intermediary either to make representations regarding the status of beneficial owners of the amount paid or to transmit appropriate documentation to the withholding agent.

This announcement provides copies of proposed Forms W-8, W-8A, W-8B, W-8C, and the accompanying instructions. Comments on the forms and instructions should be submitted in writing by August 14, 1998, to the Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, T:FS:FP, Room 5577, 1111 Constitution Avenue, NW, Washington, DC 20224.

INSTRUCTIONS FOR FORM W-8



Department of the Treasury
Internal Revenue Service

Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

Purpose of Form. Foreign persons are subject to U.S. tax at a 30% rate on income they receive from U.S. sources that consists of:

- Interest (including certain original issue discount (OID));
- Dividends;
- Rents;
- Premiums;
- Annuities;
- Compensation for, or in expectation of, services performed; or
- Other fixed or determinable annual or periodical gains, profits, or income.

This tax is imposed on the gross amount paid and is generally collected by way of withholding on that amount. A payment is considered to have been made whether it is made directly to the beneficial owner or to another person, such as an intermediary, agent, or partnership, for the benefit of the beneficial owner.

If you receive certain types of income, you must provide Form W-8 to:

- Establish that you are a foreign person;
- Claim that you are the beneficial owner of the income for which Form W-8 is being provided;
- If applicable, claim a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty.

A withholding agent or payer of the income may rely on a properly completed Form W-8 to treat a payment associated with the Form W-8 as a payment to a foreign person who beneficially owns the amounts paid. If applicable, the withholding agent may rely on the Form W-8 to apply a reduced rate of withholding at source.

Failure by a beneficial owner to provide a Form W-8 when requested may lead to withholding of a 30% or 31% amount from the payment. It may also lead to a 30% or 31% tax assessment on the withholding agent or payer, as well as interest and penalties for lack of compliance.

Who Must File. You must give Form W-8 to the withholding agent or payer if you are a foreign person and you are the beneficial owner of an amount subject to withholding. Submit Form W-8 when requested by the withholding agent or payer whether or not you are claiming a reduced rate of, or exemption from, withholding.

You must also submit Form W-8 for certain types of income that are not subject to withholding under section 1441 or 1442 but that would be subject to U.S. information reporting and backup withholding if neither Form W-8 nor Form W-9, Request for Taxpayer Identification Number and Certification, is provided. Such income includes:

- Broker proceeds.
- Short-term OID (183 days or less).
- Bank deposit interest.
- Foreign source interest, dividends, rents, or royalties.
- Proceeds from a wager placed by a nonresident alien individual in the games of blackjack, baccarat, craps, roulette, or "big 6" wheel.

You must also file Form W-8 if you have business profits not attributable to a permanent establishment.

DO NOT use Form W-8 if:

- You are a nonresident alien individual who claims exemption from withholding on compensation for independent (and certain dependent) personal services performed in the United States. Instead, provide Form 8233, Exemption from Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual, or Form W-4, Employee's Withholding Allowance Certificate.
 - You are receiving income that is effectively connected with the conduct of a trade or business in the United States. Instead, provide Form W-8A. If any of the income for which you have provided a Form W-8 becomes effectively connected, this is a change in circumstances and Form W-8 is no longer valid. You must file Form W-8A. See **Change in Status** below.
 - You are a tax-exempt organization, private foundation, foreign government, international organization, or foreign central bank of issue. Instead, provide Form W-8B.
 - You are a foreign partnership, other than a hybrid entity claiming treaty benefits (see **Definitions** on page 2). Instead, provide Form W-8C. However, if you are a partner in a partnership and you are not yourself a partnership, you may be required to furnish a Form W-8 to the partnership.
 - You are a reverse hybrid entity transmitting beneficial owner documentation provided by your interest holders to claim treaty benefits on their behalf. A reverse hybrid entity is any person other than an individual that is not fiscally transparent under U.S. tax law principles (i.e., is a taxable entity) but that is fiscally transparent under the laws of a jurisdiction with which the United States has an income tax treaty (see **Definitions** on page 2). For example, an entity that is treated as equivalent to a U.S. partnership by a treaty country but is treated by the United States as a corporation is a reverse hybrid entity. If you are not claiming treaty benefits on behalf of your interest holders, you should provide Form W-8C.
 - You are a foreign withholding partnership. A foreign withholding partnership is, generally, a foreign partnership that has entered into a withholding agreement with the IRS under which it agrees to assume primary withholding responsibility for each partner's distributive share of income subject to withholding that is paid to the partnership. Instead provide Form W-8C.
 - You are acting as an intermediary (i.e., acting not for your own account, but for the account of others as an agent, nominee, or custodian). Instead, provide Form W-8C.
- Giving Form W-8 to the Withholding Agent.** Give Form W-8 to the person who is requesting it from you. Generally, this will be the person from whom you receive the payment or who credits your account. Give Form W-8 to the person requesting it before the payment is made to you or credited to your account. If you do not provide this form, the withholding agent may have to withhold at a 30% (nonresident alien withholding) or 31% (backup withholding) rate. If you receive more than one type of income from a single withholding agent for which you claim different benefits, you may have to submit a Form W-8 for each different type of income. Generally, a separate Form W-8 must be given to each withholding agent.

DO NOT send Form W-8 to the IRS.

Change in Status. If a change in circumstances makes any information on the Form W-8 you have submitted incorrect, you must notify the withholding agent or payer within 30 days of the change in circumstances and you **must** file a new Form W-8.

If you use Form W-8 to certify that you are a foreign person, a change of address to an address in the United States is a change in circumstances. Generally, a change of address within the same foreign country or to another foreign country is not a change in circumstances. However, if you use Form W-8 to claim treaty benefits, a move to the United States or outside the country where you have been claiming treaty benefits is a change in circumstances. In that case, you must notify the withholding agent or payer within 30 days of the move.

If you become a citizen or resident of the United States after you submit Form W-8, you are no longer subject to the 30% withholding applicable to foreign persons. You must notify the withholding agent or payer within 30 days of becoming a U.S. citizen or resident. You may be required to provide a Form W-9. For more information, see the **Instructions for Form W-9**.

Definitions

Beneficial Owner. The beneficial owner is the person who is the owner of the income for tax purposes and who beneficially owns the income. Thus, a person receiving income as a nominee, custodian or agent for another person is not the beneficial owner of the income. Generally, a person is treated as the owner of the income to the extent it is required under U.S. tax principles to include the amount paid in gross income on a tax return. A person who is the owner of income is considered the beneficial owner of that income unless that person is a conduit entity whose participation in a transaction can be disregarded. Generally, the principles of section 7701(l) and Regulations section 1.881-3 apply to determine if a person is a conduit entity.

The beneficial owners of income paid to a partnership are those persons who, under U.S. tax principles, are the owners of the income for tax purposes in their separate or individual capacities and who beneficially own the income. Generally, the beneficial owners of income paid to a partnership are the partners, other than a partner that is itself a partnership or a conduit. (If a partner is a partnership or conduit, the beneficial owner is the first person in the chain of ownership that is not itself a partnership or a conduit. See Form W-8C.)

Note: A payment to a person that a withholding agent or payer may treat as a U.S. partnership is treated as a payment to a U.S. payee. A payment to a U.S. partnership is not subject to 30% nonresident alien withholding. A U.S. partnership should provide the withholding agent with a Form W-9.

For additional beneficial owner requirements, see the **Specific Instructions for Part II**.

Foreign Person. A foreign person includes a nonresident alien individual, a foreign corporation, a foreign partnership, a foreign trust, a foreign estate, and any other person that is not a U.S. person. It also includes a foreign branch or office of a U.S. financial institution or U.S. clearing organization if the foreign branch is a qualified intermediary. Generally, a payment to a U.S. branch of a foreign person is a payment to a foreign person.

Nonresident alien individual. Any individual who is not a citizen or resident of the United States is a nonresident alien individual. An alien individual meeting either the "green card test" or the "substantial presence test" for the calendar year is a resident alien. Any person not meeting either test is a nonresident alien. Additionally, an individual who is a resident of a foreign country under the residence article of an income tax treaty, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa is a nonresident alien individual.

Note: Even though a nonresident alien individual married to a U.S. citizen or resident alien may choose to be treated as a resident alien for certain purposes (e.g., filing a joint income tax

return), such individual is still treated as a nonresident alien for withholding tax purposes on all income except wages.

See **Pub. 519**, U.S. Tax Guide for Aliens, for more information on resident and nonresident alien status.

Hybrid entity. A hybrid entity is any person other than an individual that is treated as fiscally transparent in the United States but is not treated as fiscally transparent (i.e., is treated as a taxable entity) by a country with which the United States has an income tax treaty. For example, an entity that is treated as a partnership or as a disregarded entity under U.S. tax principles but is treated as an entity equivalent to a U.S. corporation under treaty country principles is a hybrid entity. Hybrid status is relevant for claiming treaty benefits. See the **Specific Instructions to Part II**.

Fiscally transparent entity. An entity is treated as fiscally transparent to the extent that the interest holders in the entity must take into account separately their shares of items of income paid to the entity, and must determine the character of the items of income as if they were realized directly from the source from which realized by the entity. For example, partnerships are generally considered to be fiscally transparent. See Regulations section 1.894-1T(d)(4)(ii).

Disregarded Entity. A business entity that has a single owner and is not a corporation under Regulations section 301.7701-2(b) is disregarded as an entity separate from its owner.

Amounts Subject to Withholding. This means amounts from sources within the United States that are fixed or determinable annual or periodical (FDAP) income. FDAP income is all income included in gross income, including interest, dividends, rents, royalties, and compensation. FDAP income does not include most gains from the sale of property (including market discount and option premiums), and insurance premiums within the meaning of section 4372 paid to a foreign insurer or reinsurer. FDAP income also does not include items of U.S. source income that are excluded from gross income without regard to the identity of the holder, such as interest under section 103(a).

Other amounts that are subject to withholding that are not FDAP income are payments of U.S. source gains from the disposal of timber, coal, or domestic iron ore with a retained economic interest, and U.S. source gains from the sale or exchange of patents, copyrights, and similar intangible property that are contingent on the productivity, use, or disposition of the property or interest sold or exchanged.

Withholding on payment of accrued OID is required only when the withholding agent has actual knowledge of the portion of the payment that is taxable to the beneficial owner as OID. A withholding agent has actual knowledge if it knows how long the beneficial owner has held the obligation, the terms of the obligation, and whether the beneficial owner purchased the obligation at a premium. A withholding agent is treated as having knowledge if the information is reasonably available. Information is reasonably available if a withholding agent maintains a direct account relationship with the beneficial owner. Even if a withholding agent does not have this knowledge, it must withhold on the entire amount of OID if he does not have a Form W-8 from the beneficial owner and the OID would qualify as portfolio interest if a Form W-8 had been provided.

Withholding Agent. Any person, U.S. or foreign, that has the control, receipt, custody, disposal, or payment of any amount subject to withholding is a withholding agent. The withholding agent may be an individual, corporation, partnership, trust, association, or any other entity, including (but not limited to) any foreign intermediary, foreign partnership, and U.S. branches of certain foreign banks and insurance companies. Generally, the person who pays (or causes to be paid) the item of U.S. source income to the foreign person (or to its agent) must withhold.

Specific Instructions

Note: An entity that is fiscally transparent under U.S. law should give Form W-8 to a withholding agent only if that entity is a hybrid entity and is claiming a reduced rate of withholding under

an income tax treaty. See the **Specific Instructions for Part II**. In all other cases, a fiscally transparent entity should give Form W-8C to the withholding agent.

Part I

Line 1. Enter your name. If you are a disregarded entity, enter the name of your foreign single owner. However, if the disregarded entity is claiming treaty benefits as a hybrid entity, enter the name of the disregarded entity.

Note: If you own the income or account jointly with one or more other persons, the income or account will be treated by the withholding agent as owned by a foreign person only if Forms W-8 are provided by all of the owners. If a withholding agent or payer does not receive a Form W-8 from all of the joint owners or if he receives a Form W-9 from any of the joint owners, he must treat the payment as made to U.S. persons.

Line 2. Check the box that applies. By checking a box, you are representing that you qualify for this classification. You must check the box that represents your classification (e.g., corporation, partnership, trust, estate, etc.) under U.S. tax principles. If you are a partnership or disregarded entity filing Form W-8 to claim treaty benefits, you **must** check the partnership or disregarded entity box. **Do not** check the box that describes your status under the law of the treaty country or the status of your single owner.

Line 3. Enter the country of incorporation if you are a corporation. If you are another type of entity, enter the country under whose laws you are created, organized, or governed.

Line 4. Your permanent residence address is the address in the country where you claim to be a resident for purposes of that country's income tax. If you are giving Form W-8 to claim a reduced rate of withholding under an income tax treaty, you must determine your residency in the manner required by the treaty. Do not show the address of a financial institution, a post office box, or an address used solely for mailing purposes. If you are an individual who does not have a tax residence in any country, your permanent residence is where you normally reside. If you are not an individual and you do not have a tax residence in any country, the permanent residence address is where you maintain your principal office.

Line 5. Enter your mailing address only if it is different from the address you show on line 4.

Line 6. A U.S. taxpayer identification number is a Social Security Number (SSN), Employer Identification Number (EIN), or IRS Individual Taxpayer Identification Number (ITIN). Check the appropriate box for the type of taxpayer identification number you are providing.

Contact a Social Security Administration (SSA) office to find out if you are eligible to get an SSN. If you do not have an SSN but are eligible to get one, apply on **Form SS-5**, Application for a Social Security Card. If you do not have, **and are not eligible to obtain**, an SSN, you may apply for an ITIN using **Form W-7**, Application for IRS Individual Taxpayer Identification Number.

If you are other than an individual (including a foreign estate or trust), or you are an individual who is an employer or who is engaged in a U.S. trade or business as a sole proprietor, use **Form SS-4**, Application for Employer Identification Number, to obtain an EIN. If you are a foreign wholly-owned entity, enter the TIN (if required) of the foreign single owner. However, if the entity disregarded for Federal income tax purposes is claiming treaty benefits, enter the TIN of the disregarded entity.

You **must** provide a TIN if you are claiming benefits under an income tax treaty. However, the following items of income do not require a TIN to claim treaty benefits:

- Dividends and interest from stocks and debt obligations that are actively traded;
- Dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual funds);
- Dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were upon issuance)

publicly offered and are registered with the SEC under the Securities Act of 1933; and

- Income related to loans of any of the above securities.

Note: You may want to obtain and provide a TIN on Form W-8 even though it is not required. A Form W-8 containing a TIN remains valid for as long as your status and the information relevant to the certifications you make on the form remain unchanged.

Line 7. If your country of residence for tax purposes has issued you a tax identifying number, enter it here. For example, if you are a resident of Canada, enter your Social Insurance Number.

Line 8. List all account numbers with the same withholding agent or payer here unless the withholding agent or payer requires you to submit a separate Form W-8 for each account.

Part II

Individuals

An individual is entitled to benefits under an income tax treaty if he/she is a resident of a country with which the United States has an income tax treaty and meets all other requirements of the treaty.

Entities

Nonfiscally transparent entities. If an entity is not considered fiscally transparent under the laws of a treaty country, the entity may claim treaty benefits on its own behalf by filing Form W-8 provided that:

1. It derives the payment as a resident of the treaty country;
2. The entity is the beneficial owner of the income for treaty purposes; and
3. All other applicable requirements for benefits under the treaty are satisfied.

Fiscally transparent entities. If an entity is considered fiscally transparent in a treaty country where an interest holder is resident, the interest holder may file a claim for treaty benefits if:

1. The interest holder derives the income as a resident of a treaty country;
2. The interest holder is the beneficial owner of the income for treaty purposes;
3. The interest holder meets all other applicable requirements under the treaty;
4. The interest holder provides a completed form W-8 to the entity; and
5. The entity provides a Form W-8C to the withholding agent to which the interest holder's Form(s) W-8 are attached.

Note: An income tax treaty may not apply to reduce the amount of any tax on income received by an entity that is treated as a domestic corporation of U.S. tax purposes. Therefore, neither the domestic corporation nor its shareholders are entitled to the benefits of a reduction of U.S. income tax on income received from U.S. sources by the corporation.

Part II Definitions

Beneficial owner. For treaty purposes, a person is the beneficial owner of income if the person is required to take the item of income into account in computing its tax liability in its country of residence and the person is not an agent, custodian, nominee, or conduit with respect to the income under U.S. tax principles. An interest holder in a fiscally transparent entity is the beneficial owner of the item of income received by the fiscally transparent entity if the interest holder is required to take its share of the income received by the entity into account in determining its tax liability and the interest holder is not an agent, custodian, nominee, or conduit with respect to the income under U.S. tax principles.

Resident. For treaty purposes, a person is a resident of a treaty country if the person is a resident of that country under the terms of the treaty. A payment received by an entity is treated as derived by a resident of the treaty country only to the extent that

the payment is required to be included in the gross income of a resident of that country.

Dual Claims

An entity may simultaneously file claims for treaty benefits on its own behalf for a portion of the payment and on behalf of its interest holders for another portion of the payment. The entity must provide Form W-8 to claim benefits on its own behalf and provide Form W-8C to claim benefits on behalf of its interest holders. The entity generally must include a completed Form W-8 provided by the interest holders with its Form W-8C.

Example 1. Entity X, a business organization formed under the laws of Country A, is liable to tax in Country A. Entity X is a hybrid entity (i.e., is treated as fiscally transparent by the United States but as nonfiscally transparent by Country A). Entity X is owned equally by C, a Country A resident, and D, a Country B resident. Entity X receives from the withholding agent a U.S. source royalty payment and U.S. source interest income. There is an income tax treaty between the United States and Country A that reduces the rate on royalties to 5%. Entity X is the beneficial owner of the royalty income for treaty purposes. Entity X qualifies as a resident of Country A and meets all other requirements to claim a reduced rate on the royalty income under the Country A treaty. To claim the reduced rate, Entity X must file Form W-8.

The interest income is potentially eligible for the portfolio interest exemption under sections 871(c) and 881(c). For the portfolio interest payment, Entity X must file Form W-8C, with the Forms W-8 of C and D attached because Entity X is not the beneficial owner of the portfolio interest income since it is not required under U.S. tax principles to include the amount paid in gross income on a tax return (see definition of beneficial owner on page 2 of these instructions).

Example 2. The facts are the same as in Example 1. Under Country B law, Entity X is considered fiscally transparent. There is an income tax treaty between the United States and Country B that reduces the rate on royalties to 0%. D qualifies as a resident of Country B and meets all other requirements to claim the zero rate under the Country B treaty. Entity X may submit a Form W-8 to claim benefits under the Country A treaty on its own behalf for a proportionate portion of the royalty income. Entity X may also file a claim for benefits under the Country B treaty on behalf of D for the remaining portion of the royalty income by providing Form W-8C, with the Form W-8 of D attached.

Box a. Enter the country where you claim to be a resident for income tax treaty purposes.

Box b. If you are claiming benefits under an income tax treaty, you must have a TIN unless one of the exceptions listed in the instructions for Part I, line 5 applies.

Box c. If you are not an individual, you must meet the requirements of any "limitation on benefits" article in the applicable income tax treaty and you must be the person who derives the income as a resident of a treaty country.

Box d. Caution: If you are claiming treaty benefits under an income tax treaty entered into force after December 31, 1986, do not use this box. Instead, use box c.

If you are a foreign corporation claiming treaty benefits under an income tax treaty that entered into force before January 1, 1987 (and has not been renegotiated) on (a) U.S. source dividends paid to you by another foreign corporation, or (b) U.S. source interest paid to you by a U.S. trade or business of another foreign corporation, you must generally be a "qualified resident" of a treaty country. See section 884 for the definition of interest paid by a U.S. trade or business of a foreign corporation ("branch interest") and other applicable rules.

In general, a foreign corporation is a qualified resident of a country if one or more of the following applies:

- It meets a 50% ownership and base erosion test.
- It is primarily and regularly traded on an established securities market in its country of residence or the United States.
- It carries on an active trade or business in its country of residence.
- It gets a ruling from the IRS that it is a qualified resident.

See Regulations section 1.884-5 for the requirements that must be met to satisfy each of these tests.

Box e. Check this box if you are related to the withholding agent within the meaning of section 267(b) or 707(b) and the aggregate amount subject to withholding received during the calendar year exceeds \$500,000. Additionally, you must file Form 8833, Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).

Box f. Check this box if you are submitting Form W-8 to claim that you are a resident of a country with which the United States has an income tax treaty and the income you are receiving is exempt from U.S. tax under the business profits (or industrial or commercial profits) article of that treaty.

Signature

Form W-8 must be signed and dated by the beneficial owner of the income, or, if the beneficial owner is not an individual, by an authorized representative or officer of the beneficial owner. If Form W-8 is completed by an agent acting under a duly authorized power of attorney, the form must be accompanied by the power of attorney in proper form or a copy thereof specifically authorizing him to represent his principal in making, executing and presenting the form. Form 2848 may be used for this purpose. The agent, as well as the beneficial owner, may incur liability for the penalties provided for an erroneous, false, or fraudulent form.

Certain individuals who expatriate are subject to special tax rules under section 877. You are considered to have expatriated if any of the following events occurs:

- You renounce your U.S. citizenship before a diplomatic or consular officer of the United States.
- You furnish to the U.S. Department of State a statement of voluntary relinquishment of U.S. nationality confirming an act of expatriation.
- The U.S. Department of State issues you a certificate of loss of U.S. nationality.
- A U.S. Federal court cancels your certificate of naturalization. Former long-term lawful permanent residents (green-card holders) for at least 8 of the 15 consecutive tax years ending with the year you ceased to be a resident may also be subject to these special tax rules.

Broker Transactions or Barter Exchanges. Income from transactions with a broker, or barter exchanges, is subject to reporting rules and backup withholding unless Form W-8 or a substitute form is filed to notify the broker or barter exchange that you are an exempt foreign person.

You are an exempt foreign person for a calendar year in which:

1. You are a nonresident alien individual or a foreign corporation, partnership, estate, or trust;
2. You are an individual who has not been, and does not plan to be, present in the United States for a total of 183 days or more during the calendar year; **and**
3. You are neither engaged, nor plan to be engaged during the year, in a U.S. trade or business that has effectively connected gains from transactions with a broker or barter exchange.

IRC section 877. If you expatriated after February 5, 1995, and a principal purpose of your expatriation was tax motivated, you are generally not entitled to claim treaty benefits.

For more information on figuring the tax under section 877, see the instructions for Form 1040NR or Notice 97-19, 1997-1 C.B. 394.

Instructions for Withholding Agent

Responsibilities of the Withholding Agent. If you make a payment of interest, dividends, rents, royalties, commissions, nonemployee compensation, or certain other amounts (including broker and barter exchange transactions, and certain payments made by fishing boat operators), you are generally required to obtain from the payee either a Form W-9 with a TIN or a Form

W-8, Form W-8A, Form W-8B, or Form W-8C. These forms are also used to establish a person's status for purposes of domestic information reporting and backup withholding. If you receive a Form W-9 with a TIN, you must generally make an information return on Form 1099. If you receive a Form W-8, Form W-8A, Form W-8B, or Form W-8C, you are exempt from reporting on Form 1099, but you may have to file Form 1042-S and withhold under the rules applicable to payments made to foreign persons. See **Form 1042-S**, Foreign Person's U.S. Source Income Subject to Withholding.

Generally, you can rely on a Form W-8, Form W-8A, Form W-8B, or Form W-8C only to the extent you can reliably associate a payment with it. You can reliably associate a payment with a Form W-8, Form W-8A, Form W-8B, or Form W-8C if, for that payment, you hold a valid form, you can reliably determine how much of the payment relates to the form, and you have no actual knowledge or reason to know that any of the information or certifications on the form are incorrect.

If you do not receive Form W-8, Form W-8A, Form W-8B, Form W-8C or Form W-9, or if you cannot reliably associate the payment with a Form W-8, Form W-8A, Form W-8B, or Form W-8C, you must determine whether a payment should be treated as made to a U.S. person or to a foreign person. Generally, you must rely on the presumption rules set forth in Regulations sections 1.1441-1(b)(3), 1.1441-4(a), 1.1441-5(d), 1.1441-5(e), 1.1441-9(b)(3), and 1.6049-5(d) if a payee that is required to provide Form W-8, Form W-8A, Form W-8B, Form W-8C, or Form W-9 does not provide the form or the form is unavailable. Generally, the payee is treated as a U.S. person, and you are required to report the payment on Form 1099 and apply 31% backup withholding.

Note: *Certain payees known as "exempt recipients" are not required to provide a Form W-9 and are exempt from backup withholding. If you make a payment to an exempt recipient, you do not have to obtain a Form W-9 and you have no Form 1099 reporting requirement. However, if the exempt recipient has an employer identification number (EIN) beginning with "98" or shows a foreign mailing address, the name of the payee indicates that it is on the per se corporation list in Regulations section 301.7701-2(b)(8)(i), or the payment is made outside of the United States, treat the recipient as a foreign person. In that case, 30% withholding may apply. See the **Instructions for Requester of Form W-9** for a list of exempt recipients.*

Requesting Form W-8. You must request Form W-8, W-8A, W-8B, or W-8C from any person to whom you are making a payment that you presume to be a foreign person. (You must do so before making a payment so that you hold the form when making the payment.) When you receive a completed Form W-8, you must review it for completeness and accuracy. You may rely on the information and certifications provided on the form (including the status of the beneficial owner as an individual, corporation, etc.) unless you have actual knowledge or reason to know that the information is untrue or incorrect. You have reason to know that the information is untrue or incorrect if you have knowledge of relevant facts or statements contained in the withholding certificates or other documentation that would cause a reasonably prudent person in the position of the withholding agent to question the claims made. For example, if you have information in your records that contradicts information provided on the form, you may not rely on the form. If you know or have reason to know that any information is untrue or incorrect, you must obtain a new Form W-8 or obtain documentation from the beneficial owner to support the claim of foreign status or reduced withholding.

Due diligence requirements. You are responsible for ensuring that all information relating to the type of income for which Form W-8 is submitted is complete and appears accurate. If you are a foreign financial institution (including a regulated investment company) paying dividends and interest from stocks and debt obligations that are actively traded, dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940, dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were upon issuance)

publicly offered and registered with the SEC under the Securities Act of 1933 and amounts paid with respect to loans of such securities, you have reason to know that the Form W-8 is not reliable and you must request additional documentation in any of the following circumstances:

1. The permanent residence address given is an address in the United States. However, if the beneficial owner is an individual, you may rely on information in your files that is less than 3 years old and that supports the claim of foreign status, despite the U.S. address. If you have no information in your files, you must contact the beneficial owner and obtain an explanation in writing supporting the claim of foreign status of the beneficial owner. Documentation supporting the claim must be attached to the beneficial owner's statement. If the beneficial owner is other than an individual, you must inquire as to whether the person whose name is on the Form W-8 is actually organized or created under the laws of a foreign country.

2. The payment is directed to a P.O. box, in-care-of address, or a U.S. address. If the beneficial owner is an individual, you may rely on a certificate of residence (as described in Regulations section 1.1441-6(c)(3)) or other documentary evidence issued by a governmental authority that contains the individual's name, address, and photograph, to support the beneficial owner's claim of residence in a foreign country. In the case of a person other than an individual, the withholding agent may rely on other evidence to ascertain that the person whose name is on the withholding certificate is not a U.S. person.

3. In the case of income for which treaty benefits are claimed, the permanent residence or mailing address is not in the corresponding treaty country. In this case, the withholding agent may rely on the type of documentary evidence mentioned above.

4. The mailing address on the Form W-8 is in the United States or the beneficial owner notifies you of a new address for mailing or residential purposes that is in the United States, a P.O. box, or an in-care-of address, or, in the case of income for which benefits under a tax treaty are claimed, the mailing address on Form W-8 or the new mailing or residential address is not in the treaty country. The withholding agent may rely on documentary evidence of a type described above supporting a beneficial owner's claim of residence in a treaty country.

5. The name of the person on the Form W-8 indicates that the person's status is a corporation, partnership, trust, estate, or an individual, and the person's claim of status is not consistent with such indication.

You must request a new Form W-8 **before** making a payment. If you make a payment without holding a Form W-8 from the beneficial owner, you must withhold 30% or 31% of the amount paid depending on whether, under the applicable presumptions, the beneficial owner is considered to be a U.S. or a foreign person and the nature of the payment. If you do not hold Form W-8 when making the payment and you do not withhold, you may be liable for a 30% or 31% tax. Relief from the 30% tax liability may be available if the beneficial owner provides Form W-8 after the fact, but interest and penalties may apply to the amount that should have been withheld.

If you are making payments to a foreign entity that is simultaneously claiming a reduced rate of tax on its own behalf and on behalf of persons in their capacity as interest holders in that entity you may, at your option, accept the dual claims even though you hold different withholding certificates that require you to treat the entity inconsistently for different payments or for different portions of the same payment. If, however, inconsistent claims are made for the same portion of a payment, you may either reject both claims and request consistent claims or you may choose which reduction to apply.

You must request a new Form W-8:

- Upon the expiration of an existing Form W-8.
- If the existing form does not support a claim of reduced rate for a different type of income.
- When there is a change in the beneficial owners circumstances that makes any information on the current form incorrect (see **Change In Status** on page 2).

Example. A foreign investor opens an account with a broker to purchase U.S. Treasury bonds, and provides Form W-8 to obtain the portfolio interest exemption. The investor does not have to complete Part II. Later, the investor purchases U.S. stocks and claims treaty benefits on dividend income. The investor must complete a new Form W-8 providing the information required in Part II.

Grace Period for Certain Payments. For specific types of payments, you may treat a payee as a foreign person (up to a maximum of 90 days) if you do not hold a valid Form W-8, Form W-8-A, Form W-8B, or Form W-8C from the payee and you have any of the following:

- An address in a foreign country for that person.
- A facsimile copy or a non-qualified electronic transmission of the information required to be stated on a Form W-8 for that person.
- A Form W-8 that is no longer reliable for reasons other than because its validity has expired.

The grace period applies only for the following types of payments:

- Dividends and interest from stocks and debt obligations that are actively traded;
- Dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual funds);
- Dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were upon issuance) publicly offered and are registered with the SEC under the Securities Act of 1933; and
- Income related to loans of any of the above securities.

If you may apply the grace period, it begins, for a newly opened account, on the date the payer first credits the account. For an existing account for which the payer holds a Form W-8, the grace period begins on the date the payer first credits the account after the existing documentation held can no longer be relied upon. The grace period ends on the earlier of the close of the 90th day from the date the grace period begins, the date the documentation is provided, or the last day of the calendar year. The grace period also ends when the remaining balance in the account equals 31 percent of the total amounts credited since the beginning of the grace period.

You may not use the grace period rules to apply a reduced withholding rate. However, if you have a withholding certificate that is otherwise valid except that it is transmitted by facsimile, you may rely on that facsimile form for purposes of withholding at the reduced rate that the beneficial owner claims on the facsimile for the grace period.

If, by the end of the grace period, the beneficial owner has not given you the required documentation, you must apply the presumptions described in **Responsibilities of the Withholding Agent** on page 4.

Expiration of Form W-8. Generally, a Form W-8 provided without a TIN will remain in effect for a three-year period starting on the date the form is signed and ending on the last day of the third succeeding calendar year, unless a change in circumstances makes any information on the form incorrect. For example, a Form W-8 signed on September 30, 1999, remains valid through December 31, 2002. A Form W-8 furnished with a TIN will remain in effect until such time as the status of the person whose name is on the form changes, or a change in circumstances makes any information on the form incorrect.

DO NOT send Form W-8 to the IRS. Instead, keep Form W-8 in your records for as long as it may be relevant to the determination of your tax liability under section 1461. Use the Information on Form W-8 to prepare **Form 1042-S**, Foreign Person's U.S. Source Income Subject to Withholding.

Substitute Forms W-8

You may develop and use your own Form W-8 (a substitute Form W-8) if its content is substantially similar to the IRS's official Form W-8, to the extent required by these instructions, and it satisfies certain certification requirements. You may

develop and use a substitute Form W-8 that is in a foreign language, provided that the substitute form also provides the English version of the statements and information otherwise required to be included on the substitute form. You may combine Forms W-8, W-8A, W-8B, and W-8C into a single substitute form.

You may incorporate a substitute Form W-8 into other business forms you customarily use, such as account signature cards, provided the required certifications are clearly set forth. You may not:

1. Use a substitute Form W-8 that requires the payee, by signing, to agree to provisions unrelated to the required certifications; or

2. Imply that a person may be subject to 30% withholding or 31% withholding unless that person agrees to provisions on the substitute form that are unrelated to the required certifications.

Content of substitute form. The substitute Form W-8 must contain all of the information required in Part I, lines 1 through 5, and line 6, if a TIN is required.

The certifications in Form W-8, Part II must be included in a substitute form only if treaty benefits are claimed, and then only to the extent that the certifications are required. For example, if the substitute form is intended for the use of individuals only, the certifications contained in boxes c through e are not required.

A substitute Form W-8 is valid only if it contains the same penalties of perjury statement as the official form and the required signature. However, if the substitute form is contained in some other business form, the words "information on this form" may be modified to refer to that portion of the business form containing the substitute Form W-8 information. The design of the substitute form must be such that the information and certifications that are being attested to by the penalties of perjury statement clearly stand out from any other information contained in the form. Additionally, the following statement must be presented in the same manner as in the preceding sentence and must appear immediately above the single signature line: "The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to establish your status as a foreign person and, if applicable, obtain a reduced rate of withholding."

The substitute form must contain instructions that adequately inform the beneficial owner what is meant by permanent residence address and beneficial ownership and, if the beneficial owner is other than an individual, instructions relevant to hybrid and reverse hybrid entities. You are, however, encouraged to provide all relevant instructions, especially if the payee requests them.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping**, XX min.; **Learning about the law or the form**, XX min.; **Preparing and sending the form to IRS**, XX min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the tax form to this office. Instead, give it to your withholding agent.

INSTRUCTIONS FOR FORM W-8A



Department of the Treasury
Internal Revenue Service

Foreign Person's Claim of Income Effectively Connected With the Conduct of a Trade or Business Within the United States

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

Purpose of form. Foreign persons are generally subject to U.S. tax at a 30% rate on income they receive from U.S. sources. However, no withholding is required on income (other than personal services income and income subject to withholding under section 1445 (dispositions of U.S. real property interests) or section 1446 (foreign partner's share of effectively connected income)) that is, or is deemed to be, effectively connected with the conduct of a trade or business within the United States and is includible in the beneficial owner's gross income for the taxable year.

If you receive income from sources within the United States, you must provide Form W-8A to:

- Establish that you are a foreign person;
- Claim that you are the beneficial owner of the income for which Form W-8A is being provided; and
- Claim that the income is effectively connected with the conduct of a trade or business within the United States.

If you expect to receive both income that is effectively connected and income that is not effectively connected from a withholding agent, you must provide Form W-8A for the effectively connected income and Form W-8 (or W-8B or W-8C) for income that is not effectively connected.

Note: You may use Form W-8A to claim that income from a notional principal contract is **not** effectively connected with the conduct of a trade or business in the United States. See the instructions to **line 9** of this form.

If you are a foreign partnership with effectively connected income, you may submit Form W-8A without attaching Forms W-8 or other documentation for your foreign partners.

A withholding agent or payer of the income may rely on a properly completed Form W-8A to treat the payment associated with the Form W-8A as a payment to a foreign person who beneficially owns the amounts paid and is entitled to an exemption from withholding because the income is effectively connected with the conduct of a trade or business within the United States.

Failure by a beneficial owner to provide a Form W-8A when requested may lead to withholding of a 30% or 31% amount from the payment. It may also lead to a 30% or 31% tax assessment on the withholding agent or payer as well as interest and penalties for lack of compliance.

Who must file. You must give Form W-8A to the withholding agent or payer if you are a foreign person and you are the beneficial owner of U.S. source income that is (or is deemed to be) effectively connected with the conduct of a trade or business within the United States.

DO NOT use Form W-8A if:

- You are a nonresident alien individual who claims exemption from withholding on compensation for independent (and certain dependent) personal services performed in the United States. Instead, provide **Form 8233**, Exemption from Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien or **Form W-4**, Employee's Withholding Allowance Certificate.
- You are claiming an exemption from withholding for a reason other than a claim that the income is effectively connected with

the conduct of a trade or business within the United States. For example, if you are a foreign person and the beneficial owner of U.S. source income that is not effectively connected with a U.S. trade or business and are claiming a reduced rate of withholding as a resident of a foreign country with which the United States has an income tax treaty in effect, do not use this form. Instead, provide Form W-8 or W-8B.

- You are claiming an exemption from withholding under an income tax treaty because your income is business profits (or industrial and commercial profits) not attributable to a permanent establishment within the United States. Instead, provide Form W-8 or W-8B.
- You are acting as an intermediary (i.e., acting not for your own account or for that of your partners, but for the account of others as an agent, nominee, or custodian). Instead, provide Form W-8C.
- You are a foreign withholding partnership. A foreign withholding partnership is, generally, a foreign partnership that has entered into a withholding agreement with the IRS under which it agrees to assume primary withholding responsibility for each partner's distributive share of income subject to withholding that is paid to the partnership. Instead provide Form W-8C.
- You are a foreign corporation that is a personal holding company receiving compensation described in section 543(a)(7). Such compensation is not exempt from withholding as effectively connected income, but may be exempt from withholding on another basis.

- You are a foreign partner in a domestic partnership and the income you receive from the partnership is effectively connected with the conduct of a trade or business within the United States. See section 1446. A Form W-8, Form W-8B, or W-8C is required, however, for income that is not effectively connected.

Giving Form W-8A to the withholding agent. Give Form W-8A to the person who is requesting it from you. Generally, this will be the person from whom you receive the payment or who credits your account. Give Form W-8A to the person requesting it before the payment is made to you or credited to your account. If you do not provide this form, the withholding agent may have to withhold at a 30% (nonresident alien withholding) or 31% (backup withholding) rate. A separate Form W-8A must be given to each withholding agent.

DO NOT send Form W-8A to the IRS.

Change in status. If a change in circumstances makes any information on the Form W-8A you have submitted incorrect, you must notify the withholding agent or payer within 30 days of the change in circumstances and you **must** file a new Form W-8A. For example, if during the taxable year any part or all of the income is no longer effectively connected with the conduct of a trade or business within the United States, your Form W-8A is no longer valid. You must notify the withholding agent and provide Form W-8, W-8B, or Form W-8C.

If you become a citizen or a resident of the United States after you submit Form W-8A, you are no longer subject to the 30% withholding rules applicable to foreign persons. You must notify the withholding agent or payer within 30 days of becoming a U.S. citizen or resident. For more information, see the **Instructions for Form W-9**.

Definitions

Beneficial owner. The beneficial owner is the person who is the owner of the income for tax purposes and who beneficially owns the income. Thus, a person receiving income as a nominee, custodian or agent for another person is not the beneficial owner of the income. Generally, a person is treated as the owner of the income to the extent it is required under U.S. tax principles to include the amount paid in gross income on a tax return. A person who is the owner of income is considered the beneficial owner of that income unless that person is a conduit entity whose participation in a transaction can be disregarded. Generally, the principles of section 7701(l) and Regulations section 1.881-3 apply to determine if a person is a conduit entity.

The beneficial owners of income paid to a partnership are those persons who, under U.S. tax principles, are the owners of the income for tax purposes in their separate or individual capacities and who beneficially own the income. However, it is not necessary for a foreign partner in a foreign partnership that is engaged in a trade or business within the United States to give a Form W-8A to a withholding agent if the foreign partnership has provided a Form W-8A.

Effectively connected income. Generally, when a foreign person engages in a trade or business within the United States, all income from sources within the United States other than fixed or determinable annual or periodic (FDAP) income (e.g., interest, dividends, rents, and certain similar amounts) is considered income effectively connected with a U.S. trade or business. FDAP income may or may not be effectively connected with a U.S. business. Factors to be considered to determine whether FDAP income and similar amounts from U.S. sources are effectively connected with a U.S. trade or business include whether:

- The income is from assets used in, or held for use in, the conduct of that trade or business; or
- The activities of that trade or business were a material factor in the realization of the income.

There are special rules for determining whether income from securities is effectively connected with the active conduct of a U.S. banking, financing, or similar business. See section 864(c)(4)(B)(ii) and Regulations section 1.864-4(c)(5)(ii) for more information.

Effectively connected income, after allowable deductions, is taxed at graduated rates applicable to U.S. citizens and residents, rather than at the 30% nonresident alien withholding rate. You must report this income on an annual tax return as follows:

- **Individuals**—Use Form 1040NR, U.S. Nonresident Alien Income Tax Return.
- **Corporations**—Use Form 1120-F, U.S. Income Tax Return of a Foreign Corporation.
- **Partnerships**—Use Form 8804, Annual Return for Partnership Withholding Tax (Section 1446).
- **Trusts or estates**—Use Form 1041, U.S. Income Tax Return for Estates and Trusts.

Foreign person. A foreign person includes a nonresident alien individual, a foreign corporation, a foreign partnership, a foreign trust, a foreign estate, and any other person that is not a U.S. person. It also includes a foreign branch or office of a U.S. financial institution or U.S. clearing organization if the foreign branch is a qualified intermediary. Generally, a payment to a U.S. branch of a foreign person is a payment to a foreign person.

Nonresident alien individual. Any individual who is not a citizen or resident of the United States is a nonresident alien individual. An alien individual meeting either the "green card test" or the "substantial presence test" for the calendar year is a resident alien. Any person not meeting either test is a nonresident alien. Additionally, an individual who is a resident of a foreign country under the residence article of an income tax treaty, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa is a nonresident alien individual.

Note: Even though a nonresident alien individual married to a U.S. citizen or resident alien may choose to be treated as a resident alien for certain purposes (e.g., filing a joint income tax return), such individual is still treated as a nonresident alien for withholding tax purposes on all income except wages.

See Pub. 519, U.S. Tax Guide for Aliens, for more information on resident and nonresident alien status.

Disregarded entity. A business entity that has a single owner and is not a corporation under Regulations section 301.7701-2(b) is disregarded as an entity separate from its owner.

Withholding agent. Any person, U.S. or foreign, that has the control, receipt, custody, disposal, or payment of an item of income of a foreign person subject to withholding is a withholding agent. The withholding agent may be an individual, corporation, partnership, trust, association, or any other entity including (but not limited to) any foreign intermediary, foreign partnership, and U.S. branches of certain foreign banks and insurance companies. Generally, the person who pays (or causes to be paid) the item of U.S. source income to the foreign person (or to its agent) must withhold.

Specific Instructions

Part I

Line 1. Enter your name. If you are a disregarded entity, enter the name of your foreign single owner.

Note: If you own the income or account jointly with one or more other persons, the income or account will be treated by the withholding agent as owned by a foreign person only if Forms W-8A are provided by all of the owners. If a withholding agent or payer who does not receive a Form W-8A from all of the joint owners or if he/she receives a Form W-9 from any one of the joint owners, he/she must treat the payment as made to U.S. persons.

Line 2. Check the box that applies. By checking a box, you are representing that you qualify for this classification. You must check the box that represents your classification (e.g., corporation, partnership, trust or estate, etc.) under U.S. tax principles. If you are a disregarded entity, you must check the disregarded entity box. Do not check the box that describes the status of your single owner.

Line 3. Enter the country of incorporation if you are a corporation. If you are another type of entity, enter the country under whose laws you are created, organized, or governed.

Line 4. Your permanent residence address is the address in the country where you claim to be a resident for that country's income tax. Do not show the address of a financial institution, a post office box, or an address used solely for mailing purposes. If you are an individual who does not have a tax residence in any country, your permanent residence is where you normally reside. If you are not an individual and you do not have a tax residence in any country, the permanent residence address is where you maintain your principal office.

Line 5. Enter your business address in the United States. Do not show a post office box.

Line 6. You must provide a U.S. taxpayer identification number (TIN) for this form to be valid. A U.S. taxpayer identification number is a Social Security Number (SSN), Employer Identification Number (EIN), or IRS Individual Taxpayer Identification Number (ITIN). Check the appropriate box for the type of taxpayer identification number you are providing.

Contact a Social Security Administration (SSA) office to find out if you are eligible to get an SSN. If you do not have an SSN but are eligible to get one, apply on Form SS-5, Application for a Social Security Card. If you do not have, and are not eligible to obtain, an SSN, you may apply for an ITIN using Form W-7, Application for IRS Individual Taxpayer Identification Number.

If you are other than an individual (including a foreign estate or trust), or you are an individual who is an employer or who is engaged in a U.S. trade or business as a sole proprietor, use

Form SS-4, Application for Employer Identification Number, to obtain an EIN. If you are a foreign wholly-owned entity, enter the TIN of your foreign single owner.

Line 7. If your country of residence for tax purposes has issued you a tax identifying number, enter it here. For example, if you are a resident of Canada, enter your Social Insurance Number.

Line 8. List all account numbers with the same withholding agent or payer unless the withholding agent or payer requires you to submit a separate Form W-8A for each account.

Line 9. You must specify the items of income that are effectively connected with the conduct of a trade or business within the United States. You will generally have to provide Form W-8, Form W-8B or Form W-8C for those items from sources within the United States that are not effectively connected with the conduct of a trade or business within the United States. See Form W-8 and its instructions for more details.

Note: *If you receive income from a notional principal contract that is not effectively connected with the conduct of a trade or business within the United States, state the following on line 9: "I certify that the income specified on this form is income from a notional principal contract and is not effectively connected with the conduct of a trade or business within the United States."*

Part II

Signature. Form W-8A must be signed and dated by the beneficial owner of the income, or, if the beneficial owner is not an individual, by an authorized representative or officer of the beneficial owner. If Form W-8A is completed by an agent acting under a duly authorized power of attorney, the form must be accompanied by the power of attorney in proper form or a copy thereof specifically authorizing him to represent his principal in making, executing and presenting the form. Form 2848 may be used for this purpose. The agent, as well as the beneficial owner, may incur liability for the penalties provided for an erroneous, false, or fraudulent form.

Instructions for the Withholding Agent or Payer

Responsibilities of the Withholding Agent. Your receipt of Form W-8A serves as a representation by the payee or beneficial owner that all the income with which this form is associated is effectively connected with the conduct of a trade or business within the United States. Therefore, if a beneficial owner provides you with a Form W-8A, you may treat all of the U.S. source income identified on line 9 (other than certain income from notional principal contracts) paid to that beneficial owner as effectively connected with the conduct of a trade or business within the United States. Such income must be reported on **Form 1042-S**, Foreign Person's U.S. Source Income Subject to Withholding.

If you pay items of income that are not listed in line 9 as effectively connected with the conduct of a trade or business within the United States, such as payments of interest, dividends, rents, royalties, commissions, nonemployee compensation, or certain other amounts (including broker and barter exchange transactions, and certain payments made by fishing boat operators), you are generally required to obtain from the payee either a Form W-9 with a TIN or a Form W-8, W-8A, W-8B, or W-8C. If you receive a Form W-9 with a TIN, you must generally make an information return on Form 1099. If you receive a Form W-8, W-8A, W-8B, or W-8C, you are exempt from reporting on Form 1099, but you may have to file Form 1042-S and withhold under the rules applicable to payments made to foreign persons. See the **Instructions for Form 1042-S** for more information.

Generally, you can rely on a Form W-8, Form W-8A, Form W-8B, or Form W-8C only to the extent you can reliably associate a payment with it. You can reliably associate a payment with a Form W-8, Form W-8A, Form W-8B, or Form W-8C if, for that payment, you hold a valid form, you can reliably determine how much of the payment relates to the form, and you

have no actual knowledge or reason to know that any of the information or certifications on the form are incorrect.

If you do not receive Form W-8, Form W-8A, Form W-8B, Form W-8C, or Form W-9, or if you cannot reliably associate the payment with a Form W-8, Form W-8A, Form W-8B, or Form W-8C, you must determine whether a payment should be treated as made to a U.S. person or to a foreign person. Generally, you must rely on the presumption rules set forth in Regulations sections 1.1441-1(b)(3), 1.1441-4(a), 1.1441-5(d), 1.1441-5(e), 1.1441-9(b)(3), and 1.6049-5(d) if a payee required to provide Form W-8, Form W-8A, Form W-8B, Form W-8C, or Form W-9 does not provide the form or the form is incorrect. Generally, the payee is treated as a U.S. person and you are required to report to the IRS on Form 1099 and apply 31% backup withholding.

Note: *Certain payees known as "exempt recipients" are not required to provide a Form W-9 and are exempt from backup withholding. If you make a payment to an exempt recipient, you do not have to obtain a Form W-9 and you have no Form 1099 reporting requirement. However, if the exempt recipient has an employer identification number (EIN) beginning with "98" or shows a foreign mailing address, the name of the payee indicates that it is on the per se corporation list in Regulations section 301.7701-2(b)(8)(i), or the payment is made outside of the United States, treat the recipient as a foreign person. In that case, 30% withholding may apply. See the Instructions for Requester of Form W-9 for a list of exempt recipients.*

Special rules. You may not treat an amount as income effectively connected with the conduct of a trade or business within the United States unless the beneficial owner gives you a valid Form W-8A. However, there are exceptions for income paid on notional principal contracts and payments made to certain U.S. branches.

Notional principal contracts. Withholding at a 30% rate is not required on amounts paid under the terms of a notional principal contract whether or not a Form W-8A is provided. A payment made in the United States to a foreign person on a notional principal contract is effectively connected with the conduct of a trade or business within the United States unless the beneficial owner specifically states on line 9 of Form W-8A that the income is not effectively connected. A payment to a foreign financial institution is also not treated as effectively connected with the conduct of a trade or business within the United States if the payee provides a representation in a master agreement that governs the transactions in notional principal contracts between the parties (for example, an International Swaps and Derivatives Association Agreement) or in the confirmation on the particular notional principal contract transaction that the counterparty is a U.S. person or a non-U.S. branch of a foreign person. If the income is effectively connected, it is reportable by the withholding agent on Form 1042-S.

Payments to certain U.S. branches. A payment to a U.S. branch of certain foreign persons is presumed to be effectively connected with the conduct of a trade or business within the United States even if the foreign person (or its U.S. branch) does not give you a Form W-8A. The U.S. branches to which this presumption applies are:

- A U.S. branch of a foreign bank subject to regulatory supervision by the Federal Reserve Board; and
- A U.S. branch of a foreign insurance company required to file an NAIC annual statement with the insurance department of a state, a territory, or the District of Columbia.

A payment to a U.S. branch described above, however, is not treated as effectively connected income if the branch provides a Form W-8C on which it indicates that the income it receives is not effectively connected with the conduct of a trade or business in the United States and that it is using Form W-8C either to transmit appropriate documentation for persons for whom the branch receives the payment or as evidence of its agreement with the withholding agent to be treated as a U.S. person. If Form W-8C is not provided and the income received by the branch is not effectively connected income, then the branch must withhold, whether the payment is collected on behalf of other persons or on behalf of another branch of the same entity.

Requesting Form W-8A. You must request Form W-8A from any foreign persons or organizations to which you are making a payment if they are the beneficial owners of the income and they claim that the income is effectively connected with the conduct of a trade or business within the United States. You must do so before making a payment so that you hold the form when making the payment.

When you receive a completed Form W-8A, you must review it for completeness and accuracy. You may rely on the information and certifications provided on the form (including the status of the beneficial owner as an individual, corporation, etc.) unless you have actual knowledge or reason to know that the information is untrue. You have reason to know that the information is untrue or incorrect if you have knowledge of relevant facts or statements contained in the withholding certificate or other documentation that would cause a reasonably prudent person in the position of the withholding agent to question the claims made. For example, if you have information in your records that contradicts information provided on the form, you may not rely on the form. If you know or have reason to know that any information is untrue or incorrect, you must obtain a new Form W-8A or other appropriate documentation.

If you do not receive a valid W-8A and do not withhold, you will generally be liable for the tax imposed under section 1461 without the benefit of a reduced rate unless you can demonstrate to the District Director or the Assistant Commissioner (International) that:

1. The income is effectively connected with the conduct of a trade or business within the United States;
2. The income was included in the Federal income tax return of the beneficial owner; and
3. The proper amount of tax, if any, was paid to the IRS.

Proof of payment may be established on the basis of a Form 4669 showing the amount of tax, if any, actually paid by the beneficial owner of the income. You may be liable for interest and penalties whether or not any tax was due.

Due diligence requirements. You are responsible for ensuring that all information relating to the type of income for which Form W-8, W-8A, W-8B, or W-8C is submitted is complete and appears accurate.

Expiration of Form W-8A. Generally, a Form W-8A will remain in effect for a 3-year period starting on the date the form is signed and ending on the last day of the third succeeding calendar year, unless a change in circumstances makes any information on the form incorrect. For example, a Form W-8A signed on September 30, 1999, remains valid through December 31, 2002. Upon the expiration of the 3-year period, you must obtain a new Form W-8A.

Do not send Form W-8A to the IRS. Instead, keep Form W-8A in your records for as long as it may be relevant to the determination of your tax liability under section 1461. Use the information on Form W-8A to prepare **Form 1042-S**, Foreign Person's U.S. Source Income Subject to Withholding.

Substitute Forms W-8

You may develop and use your own Form W-8A (a substitute Form W-8A) if its content is substantially similar to the IRS's official Form W-8A (to the extent required by these instructions) and it satisfies certain certification requirements. You may develop and use a substitute Form W-8A that is in a foreign language, provided that the substitute form also provides the English version of the statements and information otherwise required to be included in the substitute form. You may combine Forms W-8, W-8A, W-8B, and W-8C into a single substitute form.

You may incorporate a substitute Form W-8A into other business forms you customarily use, such as account signature cards, provided the required certifications are clearly set forth. **You may not:**

1. Use a substitute Form W-8A that requires the payee, by signing, to agree to provisions unrelated to the required certifications; or
2. Imply that a person may be subject to 30% withholding or 31% withholding unless that person agrees to provisions on the substitute form that are unrelated to the required certifications.

Content of substitute form. The substitute Form W-8A must contain all of the information required in Part I, other than lines 7 or 8.

The certifications in Part II of Form W-8A must be included in a substitute form.

A substitute Form W-8A is valid only if it contains the same penalties of perjury statement as the official form and the required signature. However, if the substitute form is contained in some other business form, the words "information on this form" may be modified to refer to that portion of the business form containing the substitute Form W-8A information. The design of the substitute form must be such that the information and certifications that are being attested to by the penalties of perjury statement clearly stand out from any other information contained in the form. Additionally, the following statement must be presented in the same manner as in the preceding sentence and must appear immediately above the single signature line: "The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to establish your status as a foreign person and that the income for which the form is provided is effectively connected with the conduct of a trade or business within the United States."

The substitute form must contain instructions that adequately inform the beneficial owner what is meant by permanent residence address and beneficial ownership. You are, however, encouraged to provide all relevant instructions, especially if the payee requests them.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. If you want to receive exemption from withholding on compensation for independent (and certain dependent) personal services, you are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping**, XX min.; **Learning about the law or the form**, XX min.; **Preparing and sending the form to IRS**, XX min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the tax form to this office. Instead, give it to your withholding agent.

**Certification for United States Tax Withholding
for Foreign Governments and Other Foreign Organizations**
(For use by foreign governments, international organizations, foreign central banks of issue, and tax-exempt organizations.)

OMB No. 1545-xxxx

Department of the Treasury
Internal Revenue Service

- ▶ Section references are to the Internal Revenue Code.
- ▶ Please type or print.
- ▶ See separate instructions.
- ▶ Give this form to the withholding agent or payer. Do not send to the IRS.

Caution: Use Form W-8A if you are claiming an exemption from U.S. withholding on income that is effectively connected with the conduct of a trade or business in the United States. Use Form W-8C if you are acting as an intermediary.

Part I Identification of Beneficial Owner

1 Name of organization _____

2 Type of entity
 Foreign government International organization Foreign central bank of issue (not wholly owned by the foreign sovereign) Foreign tax-exempt organization

3 Permanent address (Street, apt. or suite no., or rural route). Do not use a P.O. box. _____

City or town, state or province. Include postal code where appropriate. _____ Country (do not abbreviate) _____

4 Mailing address (if different from above) _____

City or town, state or province. Include postal or ZIP code where appropriate. _____ Country (do not abbreviate) _____

5 Country of incorporation or organization _____

6 Foreign government identifying number, if any _____

7 U.S. taxpayer identifying number, if required (see instructions) _____

8 Account number(s) (optional) _____

Proof as of
June 2, 1998
(subject to change)

Part II Certification Statement

- 9 **For a foreign government:**
- I certify that the entity identified in Part I is a foreign government within the meaning of section 892 and the payments are within the scope of the exemption granted by section 892.
- Check one:
- The entity identified in Part I is an integral part of the government of
 - The entity identified in Part I is a controlled entity of the government of
- 10 **For an international organization:**
- I certify that:
 - The entity identified in Part I is an international organization within the meaning of section 7701(a)(18); and
 - The payments are within the scope of the exemption granted by section 892.
- 11 **For a foreign central bank of issue (not wholly owned by the foreign sovereign):**
- I certify that:
 - The entity identified in Part I is a foreign central bank of issue;
 - The entity identified in Part I does not hold obligations or bank deposits to which this form relates for use in connection with the conduct of a commercial banking function or other commercial activity; and
 - The payments are within the scope of the exemption granted by section 895.
- 12 **For a foreign tax-exempt organization:**
- If any of the income to which this certification relates constitutes income includible under section 512 in computing the entity's unrelated business taxable income, an attachment has been provided identifying such amounts.
- Check one:
- a I certify that the entity identified in Part I has been issued a determination letter by the IRS dated that is currently in effect and that concludes that it is an organization described in section 501(c).
 - b I have attached to this form an opinion from U.S. counsel concluding that the entity identified in Part I is described in section 501(c).
- For 501(c)(3) organizations only, check one:
- c If the determination letter or opinion of counsel concludes that the entity identified in Part I is described in section 501(c)(3), I certify that the organization is not a private foundation described in section 509. I have attached an affidavit of the organization setting forth sufficient facts for the IRS to determine that the organization is not a private foundation because it meets one of the exceptions described in section 509(a)(1), (2), (3), or (4).
 - d If the determination letter or opinion of counsel concludes that the entity identified in Part I is described in section 501(c)(3), I certify that the organization is a private foundation described in section 509.

Part III Claim of Tax Treaty Benefits

I certify that:

- a The beneficial owner is a resident of within the meaning of the income tax treaty in effect between the United States and that country. (name of country)
- b If required, the taxpayer identifying number is stated on line 7 (see instructions).
- c The beneficial owner meets the requirements of the article in the applicable treaty dealing with limitation on benefits.
- d The income is business profits (or industrial or commercial profits) exempt from U.S. tax.

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete and that:

- The organization for which I am signing is the beneficial owner of the income to which this form relates;
- The beneficial owner is a foreign person;
- The income to which this certificate relates is not effectively connected with the conduct of a trade or business in the United States; and
- For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person as defined in the instructions.
- For a beneficial owner that is a controlled entity of a foreign sovereign (other than a central bank of issue wholly owned by a foreign sovereign), the beneficial owner is not engaged in commercial activities within or outside the United States.
- For a beneficial owner that is a central bank of issue wholly owned by a foreign sovereign, the beneficial owner is not engaged in commercial activities within the United States.

Sign here

Signature of authorized official

Date

Capacity in which acting



Printed on recycled paper

INSTRUCTIONS FOR FORM W-8B



Department of the Treasury
Internal Revenue Service

Certification for United States Tax Withholding for Foreign Governments and Other Foreign Organizations

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

Purpose of form. Foreign persons are subject to U.S. tax at a 30% rate on income they receive from U.S. sources that consists of interest (including certain original issue discount (OID)), dividends, rents, premiums, annuities, compensation for, or in expectation of, services performed, or other fixed or determinable annual or periodical gains, profits, or income. This tax is imposed on the gross amount paid and is generally collected by way of withholding on that amount. A payment is considered to have been made whether it is made directly to the beneficial owner or to another person for the benefit of the beneficial owner.

If you receive certain types of income, you must provide Form W-8B to:

- Establish that you are a foreign person;
- Claim that you are the beneficial owner of the income for which Form W-8B is given; and
- Claim a reduced rate of, or exemption from, withholding as a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation.

In general, payments to a foreign government (including a foreign central bank of issue wholly owned by a foreign sovereign) from investments in the United States in stocks, bonds, other domestic securities; financial instruments held in the execution of governmental financial or monetary policy; and interest on deposits in banks in the United States are exempt from tax under section 892 and exempt from withholding under sections 1441 and 1442. Payments other than those described above, including income derived in the U.S. from the conduct of a commercial activity; income received from a controlled commercial entity (including gain from the disposition of any interest in a controlled commercial entity); and income received by a controlled commercial entity, do not qualify for exemption from tax under section 892 nor exemption from withholding under sections 1441 and 1442. See Temporary Regulations section 1.892-3T. For the definition of "commercial activities," see Temporary Regulations section 1.892-4T.

In general, payments to an international organization from investment in the United States in stocks, bonds and other domestic securities; interest on deposits in banks in the United States and payments from any other source within the United States are exempt from tax under section 892 and exempt from withholding under sections 1441 and 1442. See Temporary Regulations section 1.892-6T. Payments to a foreign central bank of issue (whether or not wholly owned by a foreign sovereign) or to the Bank for International Settlements from obligations of the United States or of any agency or instrumentality thereof, or from interest on deposits with persons carrying on the banking business are also generally exempt from tax under section 895 and exempt from withholding under sections 1441 and 1442. In addition, payments to a foreign central bank of issue from bankers' acceptances are exempt from tax under section 871(i)(2)(C) and exempt from withholding under sections 1441 and 1442.

Payments to a foreign tax-exempt organization or foreign private foundation from certain types and amounts of U.S. source income are also generally exempt from tax and exempt from withholding.

To establish eligibility for exemption from tax and withholding, a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation must provide a Form W-8B to a withholding agent or payer with all necessary documentation. The withholding agent or payer of the income may rely on a properly completed Form W-8B to treat the payment associated with the Form W-8B as a payment to a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation exempt from withholding at source.

Failure by a beneficial owner to provide a Form W-8B when requested may lead to withholding of a 30% or 31% amount from the payment. It may also lead to a 30% or 31% tax assessment on the withholding agent or payer, as well as penalties for lack of compliance.

Who must file. You must give Form W-8B to the withholding agent or payer if you are a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation. File Form W-8B whether or not you are claiming a reduced rate of, or exemption from, U.S. tax withholding.

DO NOT use Form W-8B if:

- You are not a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation. Instead, provide Form W-8 or Form W-8C.
- You are receiving income that is effectively connected with the conduct of a trade or business in the United States. Instead, provide Form W-8A.
- You are a foreign partnership. Instead, provide Form W-8A or Form W-8C. But if you are a partner in a partnership and you are not yourself a partnership, you may be required to furnish a Form W-8B to the partnership.
- You are acting as an intermediary (i.e., acting not for your own account, but for the account of others as an agent, nominee, or custodian). Instead, provide Form W-8C.

Giving Form W-8B to the withholding agent. Give Form W-8B to the person who is requesting it from you. Generally, this person will be the one from whom you receive the payment or who credits your account. Generally, a separate Form W-8B must be given to each withholding agent.

Give Form W-8B to the person requesting it before the payment is made to you or credited to your account. If you do not provide this form, the withholding agent may have to withhold tax at a 30% (nonresident alien withholding) or 31% (backup withholding) rate. If you receive more than one type of income from a single withholding agent, you may have to submit a Form W-8B for each different type of income.

DO NOT send Form W-8B to the IRS.

Change in status. If a change in circumstances makes any information on the Form W-8B you have submitted incorrect, you must notify the withholding agent within 30 days of the change in circumstances and you **must** file a new Form W-8B.

If you use Form W-8B to claim treaty benefits, a move outside the country where you have been claiming treaty benefits is a change in circumstances. In that case, you must notify the IRS within 30 days of the move.

Definitions

Beneficial owner. The beneficial owner is the person who is the owner of the income for tax purposes and who beneficially owns the income. Thus, a person receiving income as a nominee, custodian or agent for another person is not the beneficial owner of the income. Generally, a person is treated as the owner of the income to the extent it is required under U.S. tax principles to include the amount paid in gross income on a tax return. A person who is the owner of income is considered the beneficial owner of that income unless that person is a conduit entity whose participation in a transaction can be disregarded. Generally, the principles of section 7701(l) and Regulations section 1.881-3 apply to determine if a person is a conduit entity.

A foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation which is the owner of the income for tax purposes is generally considered the beneficial owner of that income.

Foreign person. A "foreign person" includes a nonresident alien individual, a foreign corporation, a foreign partnership, a foreign trust, foreign estate, foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation and any other person that is not a U.S. person. It also includes a foreign branch or office of a U.S. financial institution or U.S. clearing organization if the foreign branch is a qualified intermediary. Generally, a payment to a U.S. branch of a foreign person is a payment to a foreign person.

Foreign government. A "foreign government" includes only the integral parts or controlled entities of a foreign sovereign as defined in Temporary Regulations section 1.892-2T.

An *integral part* of a foreign sovereign, in general, is any person, body of persons, organization, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a foreign country. The net earnings of the governing authority must be credited to its own account or to other accounts of the foreign sovereign, with no portion benefiting any private person.

A *controlled entity* of a foreign sovereign is an entity that is separate in form from the foreign sovereign or otherwise constitutes a separate juridical entity only if:

1. It is wholly owned and controlled by the foreign sovereign directly or indirectly through one or more controlled entities;
 2. It is organized under the laws of the foreign sovereign by which it is owned;
 3. Its net earnings are credited to its own account or to other accounts of the foreign sovereign, with no portion of its income benefiting any private person; and
 4. Its assets vest in the foreign sovereign upon dissolution.
- The term "controlled entity" also includes a *pension trust* defined in Temporary Regulations section 1.892-2T(c) and may include a *foreign central bank of issue* to the extent that it is wholly owned by a foreign sovereign.

A foreign government must provide Form W-8B to establish eligibility for exemption from withholding for payments exempt from tax under section 892.

International organization. An international organization is any public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U.S.C. 288-288(f)). In general, to qualify as an international organization, the United States must participate in the organization pursuant to a treaty or under the authority of an Act of Congress authorizing such participation. See Regulations section 1.893-1(b)(3).

A withholding agent may treat a payee as an international organization without requiring a withholding certificate if the name of the payee is one designated as an international organization by executive order (pursuant to 22 U.S.C. 288 through 288(f)) and other facts surrounding the payment reasonably indicate that the beneficial owner of the payment is an international organization.

Amounts exempt from tax under section 892. Only a foreign government or an international organization as defined above qualifies for exemption from taxation under section 892. Section 892 generally excludes from gross income and exempts from U.S. taxation income of a foreign government received from investments in the United States in stocks, bonds, or other domestic securities; financial instruments held in the execution of governmental financial or monetary policy; and interest on deposits in banks in the United States of monies belonging to the foreign government. See Temporary Regulations section 1.892-3T. Income of a foreign government from sources other than those enumerated above or that is: (a) derived from the conduct of any commercial activity; (b) received directly or indirectly from a controlled commercial entity, or (c) derived from the disposition of any interest in a controlled commercial entity is not exempt from U.S. taxation. See section 892(a)(2)(A). For the definition of "commercial activity," see Temporary Regulations section 1.892-4T.

Section 892 also generally excludes from gross income and exempts from U.S. taxation income of an international organization received from investments in the United States in stocks, bonds, or other domestic securities and interest on deposits in banks in the United States of monies belonging to the international organization or from any other source within the United States.

Controlled commercial entity. A "controlled commercial entity" is an entity engaged in commercial activities (whether within or outside the United States) if the foreign government: (a) holds any interest in the entity that is 50% or more of the total of all interests in the entity, or (b) holds a sufficient interest or any other interest in the entity which provides the foreign government with effective practical control of the entity. See Temporary Regulations section 1.892-5T.

Note: A foreign central bank of issue will be treated as a controlled commercial entity only if it engages in commercial activities within the United States. See definition below.

Foreign central bank of issue. A foreign central bank of issue is a bank that is by law or government sanction the principal authority, other than the government itself, to issue instruments intended to circulate as currency. Such a bank is generally the custodian of the banking reserves of the country under whose law it is organized. For purposes of section 895, the Bank of International Settlements will be treated as though it were a foreign central bank of issue. See Regulations section 1.895-1(b).

A foreign central bank of issue must provide Form W-8B to establish eligibility for exemption from withholding for payments exempt from tax under either section 892 or section 895. However, with regard to amounts derived from bankers' acceptances, a withholding agent may treat a payee as a foreign central bank of issue without requiring a Form W-8B if the name of the payee and other facts surrounding the payment reasonably indicate that the beneficial owner of the payment is a foreign central bank of issue.

Amounts exempt from tax under section 895. Section 895 generally excludes from gross income and exempts from U.S. taxation income a foreign central bank of issue receives from obligations of the United States (or of any agency or instrumentality thereof) or from interest on deposits with persons carrying on the banking business unless such obligations or deposits are held for, or used in connection with, the conduct of commercial banking functions or other commercial activities of the foreign central bank of issue.

Amounts subject to withholding. An amount subject to withholding is an amount from sources within the United States that is fixed or determinable annual or periodical (FDAP) income. FDAP income is all income included in gross income, including interest (and original issue discount (OID)), dividends, rents, royalties, and compensation. FDAP income does not include most gains from the sale of property (including market discount and option premiums) and insurance premiums within the meaning of section 4372 paid to a foreign insurer or reinsurer. FDAP also does not include items of U.S. source income that

are excluded from gross income without regard to the identity of the holder, such as interest under section 103(a).

Other amounts that are subject to withholding that are not FDAP income are payments of U.S. source gains from the disposal of timber, coal, or domestic iron ore with a retained economic interest, and U.S. source gains from the sale or exchange of patents, copyrights, and similar intangible property that are contingent on the productivity, use, or disposition of the property or interest sold or exchanged.

Withholding on a payment of accrued OID is required only when the withholding agent has actual knowledge of the portion of the payment that is taxable to the beneficial owner as OID. A withholding agent has actual knowledge if it knows how long the beneficial owner has held the obligation, the terms of the obligation, and whether the beneficial owner purchased the obligation at a premium. A withholding agent is treated as having knowledge if the information is reasonably available. Information is reasonably available if a withholding agent maintains a direct account relationship with the beneficial owner. Even if a withholding agent does not have this knowledge, it must withhold on the entire amount of OID if it does not have a Form W-8 from the beneficial owner and the OID would qualify as portfolio interest if a Form W-8 had been provided.

Withholding agent. Any person, U.S. or foreign, that has the control, receipt, custody, disposal, or payment of an item of income of a foreign person subject to withholding is a withholding agent. The withholding agent may be an individual, corporation, partnership, trust, association, or any other entity. Generally, the person who pays or conveys the item of U.S. source income to the nonresident alien individual (or to his or her agent) must withhold.

Specific Instructions

Part I

Note: Before completing Part I, complete the **Worksheet for Foreign Governments, International Organizations, and Foreign Central Banks of Issue** on page 4 to determine whether amounts received are or will be exempt from U.S. tax under sections 892 or 895 and exempt from withholding under sections 1441 and 1442. Use the results of this worksheet to check the appropriate box in Part II.

Line 1. Enter the full name of the organization.

Line 2. Check the **one** box that applies.

Line 3. The permanent address of a foreign government, international organization, or foreign central bank of issue is where it maintains its principal office. For all other organizations, the permanent address is the address in the country where it claims to be a resident for tax purposes. **Do not show** the address of a financial institution, a post office box, or an address used solely for mailing purposes.

Line 4. Enter the mailing address only if it is different from the address shown on line 3.

Line 5. Enter the country of organization or incorporation.

Line 6. If the country of residence for tax purposes has issued the organization a tax identifying number, enter it here.

Line 7. A U.S. taxpayer identification number (TIN) means an Employer Identification Number (EIN). A TIN is generally required if you are claiming an exemption based solely on your claim of tax-exempt status under section 501(c) or private foundation status and for any person claiming a treaty benefit. A TIN is required for any foreign trust. Use **Form SS-4**, Application for Employer Identification Number, to obtain an EIN.

Line 8. List all account numbers with the same payer unless the payer requires a separate Form W-8B for each account.

Part II

Line 9. Check the appropriate box. Enter the name of the foreign sovereign's country if you are an integral part of a foreign government or are a controlled entity. A central bank of issue

(wholly owned by a foreign sovereign) should check the controlled entity box.

Line 10. Check this box if you are an international organization.

Line 11. Check this box if you are a central bank of issue not wholly owned by a foreign sovereign.

Line 12. Check the appropriate box if you are a foreign tax-exempt organization.

Caution: If you are a foreign tax-exempt organization, you must attach a statement setting forth any income that is includible under section 512 in computing your unrelated business taxable income.

Box 12a. Check this box if you have been issued a determination letter by the IRS. Enter the date of the IRS determination letter.

Box 12b. Check this box if you do not have an IRS determination letter, but are providing an opinion of U.S. counsel concluding that you are an organization described in section 501(c).

Box 12c. If you are a section 501(c)(3) organization, check this box if you are **not** a private foundation. You must attach to the withholding certificate an affidavit setting forth sufficient facts concerning your operations and support to enable the IRS to determine that you would be likely to qualify as an organization described in section 509(a)(1), (2), (3), or (4).

Box 12d. Check this box if you are a section 501(c)(3) organization and you are a private foundation described in section 509.

Part III

Complete Part III only if you are claiming a reduced rate of or exemption from withholding under an income tax treaty. If you are a foreign tax-exempt entity and the treaty under which you are claiming benefits does not require that you meet that treaty's "limitation on benefits" provisions, write "Not Applicable" next to **line c**.

Note: A foreign government will be treated as a corporate resident of its country for purposes of any income tax treaty obligation of the United States if such government grants equivalent treatment to the Government of the United States. See section 892(a)(3).

Signature

Form W-8B must be signed and dated by an authorized official of the foreign government, international organization, central bank of issue, or tax-exempt organization, as appropriate.

Instructions for Withholding Agent

Responsibilities of the Withholding Agent. If you make a payment of interest, dividends, rents, royalties, commissions, nonemployee compensation, or certain other amounts (including broker and barter exchange transactions, and certain payments made by fishing boat operators), you are generally required to obtain from the payee either a Form W-9 with a TIN or a Form W-8, W-8A, W-8B, or W-8C. If you receive a Form W-9 with a TIN, you must generally make an information return on Form 1099. If you receive a Form W-8, W-8A, W-8B, or W-8C, you are exempt from reporting on Form 1099, but you may have to file Form 1042-S and withhold under the rules applicable to payments made to foreign persons. See **Form 1042-S**, Foreign Person's U.S. Source Income Subject to Withholding.

Generally, you can rely on a Form W-8, Form W-8A, Form W-8B, or Form W-8C only to the extent you can reliably associate a payment with it. You can reliably associate a payment with a Form W-8, Form W-8A, Form W-8B, or Form W-8C if, for that payment, you hold a valid form, you can reliably determine how much of the payment relates to the form, and you have no actual knowledge or reason to know that any of the information or certifications on the form are incorrect.

If you do not receive Form W-8, Form W-8A, Form W-8B, Form W-8C, or Form W-9, or if you cannot reliably associate the payment with a Form W-8, Form W-8A, Form W-8B, or Form W-8C, you must determine whether a payment should be treated

**WORKSHEET FOR FOREIGN GOVERNMENTS,
INTERNATIONAL ORGANIZATIONS, AND CENTRAL BANKS OF ISSUE**

Complete the worksheet below to determine whether amounts received are or will be exempt from United States tax under sections 892 or 895 and exempt from withholding under sections 1441 and 1442.

- Foreign governments and foreign central banks of issue, start with question 1.
- International organizations, go directly to question 6.

FOREIGN GOVERNMENT	Yes	No
1a Is the foreign government an integral part of a foreign sovereign (see Definitions)? (If "Yes," go to question 4. If "No," answer question 1b.)	/	/
b Is the foreign government a controlled entity of a foreign sovereign (see Definitions)? (If "Yes," answer question 2a. If "No," go to question 7a.)	/	/
2a Is the controlled entity a foreign central bank of issue (see Definitions)? (If "Yes," answer question 2b. If "No," go to question 3.)	/	/
b Is the foreign central bank of issue engaged in commercial activities within the United States? (If "Yes," go to question 7a. If "No," go to question 4.)	/	/
3 Is the controlled entity engaged in commercial activities anywhere in the world? (If "Yes," income is not exempt from tax under section 892 and may be subject to withholding. DO NOT complete Form W-8B with respect to such income. Instead, complete Form W-8 or W-8A. If "No," answer question 4.)	/	/
4 Does the foreign government or foreign central bank of issue (wholly owned by the foreign sovereign) receive income directly or indirectly from any controlled commercial entities (see Definitions)? (If "Yes," income is not exempt from tax under section 892 and may be subject to withholding. DO NOT complete Form W-8B with respect to such income. Instead, complete Form W-8 or W-8A. If "No," answer question 5.)	/	/
5 Is any of the income received by the foreign government or foreign central bank of issue (wholly owned by the foreign sovereign) from sources other than investments in the United States in stocks, bonds, other domestic securities (as defined in Temporary Regulations section 1.892-3T(a)(3)), financial instruments held in the execution of governmental financial or monetary policy (as defined in Temporary Regulations section 1.892-3T(a)(4) and (a)(5)), or interest on deposits in banks in the United States? (If "Yes," income is not exempt from tax under section 892 and may be subject to withholding. DO NOT complete Form W-8B with respect to such income. Instead, complete Form W-8 or W-8A. If "No," check the appropriate box on line 9 of your Form W-8B.)	/	/
INTERNATIONAL ORGANIZATION	Yes	No
6 Is the international organization an organization in which the United States participates pursuant to any treaty or under an Act of Congress authorizing such participation and to which the President of the United States has issued an Executive Order entitling the organization to enjoy the privileges, exemptions, and immunities provided under the International Organization Immunities Act (22 U.S.C. 288, 288e, 288f)? (If "Yes," check the box on line 10 of your Form W-8B. If "No," income may be subject to withholding. DO NOT complete this form with respect to such income. Instead, complete Form W-8 or W-8A.)	/	/
FOREIGN CENTRAL BANK OF ISSUE	Yes	No
7a Is the entity a foreign central bank of issue which is either wholly or partially owned by the foreign sovereign? (If "Yes," answer question 7b. If "No," income is not exempt from tax under section 895 and may be subject to withholding. DO NOT complete Form W-8B with respect to such income. Instead, complete Form W-8 or W-8A.)	/	/
b Is the income received by the central bank of issue from sources other than obligations of the United States (or of any agency or instrumentality thereof) or from interest on deposits with persons carrying on the banking business? (If "Yes," income is not exempt from tax under section 895 and may be subject to withholding. DO NOT complete Form W-8B with respect to such income. Instead, complete Form W-8 or W-8A. If "No," answer question 7c.)	/	/
c Are the obligations of the United States (or of any agency or instrumentality thereof) or bank deposits owned by the foreign central bank of issue held for, or used in connection with, the conduct of commercial banking functions or other commercial activities by the foreign central bank of issue? (If "Yes," income is not exempt from tax under section 895 and may be subject to withholding. DO NOT complete Form W-8B with respect to such income. Instead, complete Form W-8 or W-8A. If "No," check the box on line 11 of your Form W-8B.)	/	/

as made to a U.S. person or to a foreign person. Generally, you must rely on the presumption rules set forth in Regulations sections 1.1441-1(b)(3), 1.1441-4(a), 1.1441-5(d), 1.1441-5(e), 1.1441-9(b)(3), and 1.6049-5(d) if a payee required to provide Form W-8, Form W-8A, Form W-8B, Form W-8C, or Form W-9 does not provide the form or the form is incorrect. Generally, the payee is treated as a U.S. person, and you are required to report the payment on Form 1099 and apply 31% backup withholding.

Note: *Certain payees known as "exempt recipients" are not required to provide a Form W-9 and are exempt from backup withholding. If you make a payment to an exempt recipient, you do not have to obtain a Form W-9 and you have no Form 1099 reporting requirement. However, if the exempt recipient has an Employer Identification Number (EIN) beginning with "98" or shows a foreign mailing address; the name of the payee indicates that it is on the per se corporation list in Regulations section 301.7701-2(b)(8)(i); or the payment is made outside of the United States, treat the recipient as a foreign person. In that case, 30% withholding may apply. See the **Instructions for Requester of Form W-9** for a list of exempt recipients.*

Foreign governments, international organizations, foreign central banks of issue, foreign tax-exempt organizations, and foreign private foundations are required to give Form W-8B to the withholding agent or payer to claim an exemption from withholding.

Requesting Form W-8B. You must request Form W-8B from any foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, or foreign private foundation to which you are making a payment. You must do so before making a payment so that you hold the form when making the payment.

When you receive a completed Form W-8B, you must review it for completeness and accuracy. You may rely on the information and certifications provided on the form unless you have actual knowledge or reason to know that the information is untrue or incorrect. You have reason to know that the information is untrue or incorrect if you have knowledge of relevant facts concerning statements contained in the withholding certificates or other documentation that would cause a reasonably prudent person in the position of the withholding agent to question the claims made. For example, if you have information in your records that contradicts information provided on the form, you may not rely on the form. If you know or have reason to know that any information is untrue or incorrect, you must obtain a new Form W-8B or obtain documentation from the beneficial owner to support the beneficial owner's claim of foreign status or reduced withholding.

Due diligence requirements. You are responsible for ensuring that all information relating to the type of income for which Form W-8B is submitted is complete and appears accurate. You must request a new Form W-8B:

- Upon the expiration of an existing Form W-8B.
- If the existing Form W-8B does not support a claim of reduced rate for a different type of income.
- When there is a change in the recipient's circumstances that makes any information on the current Form W-8B incorrect (see **Change in Status** under **General Instructions** above).

If you are a foreign financial institution (including a regulated investment company) paying dividends and interest from stocks and debt obligations that are actively traded, dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940, dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were upon issuance) publicly offered and registered with the SEC under the Securities Act of 1933, and amounts paid with respect to loans of security, you have reason to know that the Form W-8B or documentary evidence for a beneficial owner is not reliable and you must request a new form W-8B or additional documentation in support of a beneficial owner's claims in any of the following circumstances:

1. The permanent address given is an address in the United States. If you have no information in your files, you must contact

the beneficial owner or the beneficial owner's agent in the United States and obtain an explanation in writing supporting the claim of foreign status of the beneficial owner. Documentation supporting the claim must be attached to the beneficial owner's statement. If the beneficial owner is other than an individual, trust, or estate, you must inquire as to whether the person whose name is on the Form W-8B is actually organized or created under the laws of a foreign country.

2. The payment is directed to a P.O. box, in-care-of address, or a U.S. address. In the case of a person other than an individual, the withholding agent may rely on appropriate evidence to ascertain that the person whose name is on the withholding certificate is not a U.S. person.

3. If treaty benefits are claimed, the permanent or mailing address is not in the corresponding treaty country. In this case, the withholding agent may rely on the type of documentary evidence mentioned in item 2, above.

4. The mailing address on the Form W-8B is in the United States or the beneficial owner notifies you of a new address for mailing or residential purposes that is in the United States, a P.O. box, or an in-care-of address, or, in the case of income for which benefits under a tax treaty are claimed, the mailing address on Form W-8B or the new mailing or residential address is not in the treaty country. The withholding agent may rely on documentary evidence of a type described in item 2 supporting a beneficial owner's claim of residence in a treaty country.

Grace period for certain payments. For specific types of payments, you may treat a payee as a foreign person (up to a maximum of 90 days) if you do not hold a valid Form W-8B from the payee and you have any of the following:

- An address in a foreign country for that person.
- A facsimile copy or other non-qualified electronic transmission of the information contained on a Form W-8B.
- A Form W-8B that is no longer reliable for reasons other than because its validity has expired.

The grace period applies only for the following types of payments:

- Dividends and interest from stocks and debt obligations that are actively traded;
- Dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual funds);
- Dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were upon issuance) publicly offered and are registered with the SEC under the Securities Act of 1933; and
- Income related to loans of any of the above securities.

If you may apply the grace period, it begins, for a newly opened account, on the date the payer first credits the account. For an existing account for which the payer holds a Form W-8B, the grace period begins on the date the payer first credits the account after the existing documentation held can no longer be relied upon. The grace period ends on the earlier of the close of the 90th day from the date the grace period begins, the date the documentation is provided, or the last day of the calendar year. The grace period also ends when the remaining balance in the account equals 31% of the total amounts credited since the beginning of the grace period.

You may not use the grace period rules to apply a reduced rate of withholding. However, if you have a withholding certificate that is otherwise valid except that it is transmitted by facsimile, you may rely on that facsimile form for purposes of withholding at the reduced rate that the beneficial owner claims on the facsimile for the grace period.

If, by the end of the grace period, the payee has not given you the required documentation, you must apply the presumptions described in **Responsibilities of the withholding agent** on page 3.

Expiration of Form W-8B. Generally, a Form W-8B filed without a TIN will remain in effect for a three-year period starting on the date the form is signed and ending on the last day of the third succeeding calendar year. However, in the case of an integral part of a foreign government (within the meaning of

Temporary Regulations section 1.892-T(a)(2)) or a foreign central bank of issue, a Form W-8B filed without a TIN will remain in effect until such time as a change in circumstances makes any of the information on the form incorrect. See Regulations section 1.1441-1(e)(4)(ii)(B)(7). A Form W-8B furnished with a TIN will remain in effect until such time as a change in circumstances makes any information on the form incorrect.

DO NOT send Form W-8B to the IRS. Instead, keep Form W-8B in your records for as long as it may be relevant in the determination of your tax liability under section 1461. Use the information on Form W-8B to prepare **Form 1042-S**, Foreign Person's U.S. Source Income Subject to Withholding.

Substitute Forms W-8B

You may develop and use your own Form W-8B (a substitute Form W-8B) if its content is substantially similar to the IRS's official Form W-8B, to the extent required by these instructions, and it satisfies certain certification requirements. You may develop and use a substitute Form W-8B that is in a foreign language, provided that the substitute form also provides the English version of the statements and information otherwise required to be included in the substitute form. You may combine Forms W-8, W-8A, W-8B, and W-8C into a single substitute form.

You may incorporate a substitute Form W-8B into other business forms you customarily use, such as account signature cards, provided the required certifications are clearly set forth. You **may not**:

1. Use a substitute Form W-8B that requires the payee, by signing, to agree to provisions unrelated to the required certification; or

2. Imply that a person may be subject to 30% withholding or 31% withholding unless that person agrees to provisions on the substitute form that are unrelated to the required certifications.

Content of substitute form. The substitute Form W-8B must contain all of the information in Part I. The substitute Form W-8B must also contain all of the statements and certifications contained in Parts II and III, but a specific part only needs to be included (in its entirety) if it is relevant. For example, if the only beneficial owners a U.S. withholding agent has as account holders are foreign governments, the withholding agent could use a substitute Form W-8B that contains only the required information from Part I, plus the statements and certifications from Part II related to foreign governments.

A substitute Form W-8B is valid only if it has the same penalties of perjury statement as the official form and the signature of an authorized official. However, if the substitute form is contained in some other business form, the words "on this form" may be modified to refer to that portion of the business form containing the substitute Form W-8B information. The design of the substitute form must be such that the information and certifications that are being attested to by the penalties of perjury statement clearly stand out from any other information contained in the form. Additionally, the following statement must be presented in the same manner as in the preceding sentence and must appear immediately above the single signature line: "The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to establish your status as a foreign government, international organization, foreign central bank of issue, or foreign tax-exempt organization."

The substitute form must contain instructions that adequately inform the beneficial owner what is meant by permanent address and, if Part II is included, include the **Worksheet for Foreign Governments, International Organizations, and Central Banks of Issue**. You are, however, encouraged to provide all relevant instructions, especially if the payee requests them.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. If you want to receive exemption from withholding on compensation for independent (and certain dependent) personal services, you are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: Recordkeeping, XX min.; Learning about the law or the form, XX min.; Preparing and sending the form to IRS, XX min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the tax form to this office. Instead, give it to your withholding agent.

**Certificate of Foreign Intermediary,
Foreign Partnership, and Certain U.S. Branches
for United States Tax Withholding**

OMB No. 1545-XXXX

Department of the Treasury
Internal Revenue Service

▶ **Please type or print.** ▶ **See separate instructions.**
▶ **Give this form to the withholding agent or payer. Do not send to the IRS.**

Part I Identification of Entity (See instructions.)

1 Name of individual or organization that is acting as intermediary

2 Country of incorporation or organization if other than individual

3 Permanent residence address (Street, apt. or suite no., or rural route). **Do not use P.O. Box.**

City or town, state or province. Include postal code where appropriate.	Country (do not abbreviate)
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4 Mailing address (if different from above)

City or town, state or province. Include postal code where appropriate.	Country (do not abbreviate)
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5 U.S. taxpayer identifying number (see instructions) **6** Foreign tax identifying number, if any

7 Account number(s) (optional)

8 Type of entity—check the appropriate box:

<input type="checkbox"/> Qualified intermediary. Complete Part II.	<input type="checkbox"/> U.S. branch. Complete Part IV.	<input type="checkbox"/> Withholding foreign partnership. Complete Part V.
<input type="checkbox"/> Nonqualified intermediary. Complete Part III.	<input type="checkbox"/> Nonwithholding foreign partnership. Complete Part VI.	

Part II Qualified Intermediary

9 I certify that the entity identified in Part I:

- Is a qualified intermediary and is not acting for its own account;
- Has obtained the appropriate certificates or other documentation as required in its withholding agreement for those assets that are identified on the attached statement as being allocable to documented U.S. account holders and documented foreign account holders; and
- Has assumed primary withholding responsibility with respect to the amounts identified, if any, in the attached statement.

I have attached a statement that provides sufficient information for the withholding agent to determine the correct amount required to be withheld from amounts paid to the intermediary and reported to the IRS. I agree to update this statement as required.

Part III Nonqualified Intermediary

10a I certify that the entity identified in Part I:

- Is not a qualified intermediary and is not acting for its own account; and
- Is using this form to transmit withholding certificates and other documentation for the payment(s) to which this form relates.

Check one:

b The attached withholding certificates and other documentation represent all of the persons to which this form relates.

c The attached withholding certificate and other documentation do not represent all of the persons to which this form relates. The amounts allocable to persons covered by this form but for which withholding certificates or other documentation are lacking or unreliable are separately identified.

I have attached the required statement providing sufficient information to enable the withholding agent to determine the correct amount required to be withheld from amounts paid to the intermediary and reported to the IRS. I agree to update this statement as required.

Part IV Certain United States Branches

Note: You may use this Part if you are a U.S. branch of a foreign bank or insurance company and you are subject to certain regulatory requirements (see instructions).

11 I certify that the entity identified in Part I is a U.S. branch and that the payments are not effectively connected with the conduct of a trade or business in the United States.

Check 12 or 13, whichever applies:

12 I certify that the entity identified in Part I is using this form as evidence of its agreement with the withholding agent to be treated as a U.S. person with respect to any payments associated with this certificate.

13a I certify that the entity identified in Part I is using this form to transmit withholding certificates or other appropriate documentation for the persons for whom the branch receives a payment.

Check one:

b The attached withholding certificates and other documentation represent all of the persons to which this form relates.

c The attached withholding certificate and other documentation do not represent all of the persons to which this form relates. The amounts allocable to persons covered by this form but for which withholding certificates or other documentation are lacking or are unreliable are separately identified.

I have attached the required statement providing sufficient information to enable the withholding agent to determine the correct amount required to be withheld from amounts paid to the U.S. branch and reported to the IRS. I agree to update this statement as required.

Part V Withholding Foreign Partnership

14 I certify that the entity identified in Part I is a withholding foreign partnership and will comply with withholding and reporting provisions under the Internal Revenue Code except to the extent provided under its withholding agreement.

Part VI Nonwithholding Foreign Partnership

15a I certify that the entity identified in Part I is a foreign partnership and that the payments to which this certificate relates are not effectively connected with the conduct of a trade or business in the United States.

Check one:

b The attached withholding certificates and other documentation represent all of the partners to which this form relates.

c The attached withholding certificate and other documentation do not represent all of the partners to which this form relates. The amounts allocable to partners covered by this form but for which withholding certificates or other documentation are lacking or are unreliable are separately identified.

I have attached the required statement providing sufficient information to enable the withholding agent to determine the correct amount required to be withheld from amounts paid to the partnership and reported to the IRS. I agree to update this statement as required.

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete.

Sign Here



Signature of authorized official

Date



Printed on recycled paper

INSTRUCTIONS FOR FORM W-8C



Department of the Treasury
Internal Revenue Service

Certificate of Foreign Intermediary, Foreign Partnership, and Certain U.S. Branches for United States Tax Withholding

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

Purpose of form. Foreign persons are subject to U.S. tax at a 30% rate on income they receive from U.S. sources that consists of interest (including certain original issue discount (OID)), dividends, rent, premiums, annuities, compensation for, or in expectation of, services performed, or other fixed or determinable annual or periodical gains, profits, or income. This tax is imposed on the gross amount paid and is generally collected by way of withholding on that amount. A payment is considered to have been made whether it is made directly to the beneficial owner or to another person, such as an intermediary, agent, or partnership, for the benefit of the beneficial owner.

Who must file. Form W-8C must be provided by:

- A foreign intermediary to represent that it is a foreign person and that it is a qualified intermediary or a nonqualified intermediary for the payments it receives and not the beneficial owner. A qualified intermediary uses the form to make representations about the status of foreign beneficial owners and to transmit information regarding certain U.S. payees to a withholding agent. A nonqualified intermediary uses the form to transmit appropriate documentation regarding foreign beneficial owners and certain U.S. payees to a withholding agent.
- A foreign partnership to establish its status as a foreign person or the status of its partners as foreign persons. Form W-8C is used by a foreign withholding partnership to represent that it has assumed primary withholding responsibility. Foreign partnerships other than foreign withholding partnerships use the form to transmit appropriate documentation to a withholding agent. For purposes of claiming treaty benefits, a foreign partnership includes a business entity that is treated as fiscally transparent in the country of residence of its interest holders even if the entity is not treated as a partnership for U.S. income tax purposes.
- A U.S. branch of certain foreign banks and insurance companies to represent: (a) that the income it receives is not effectively connected with the conduct of a trade or business within the United States, and (b) that it is using the certificate either to transmit the documentation of the persons for whom it is acting as an intermediary or as evidence of its agreement with a withholding agent to be treated as a U.S. person. See the Instructions to Part IV of this form.

You must provide Form W-8C to the withholding agent or payer before income is paid or credited to you on behalf of the beneficial owner.

DO NOT use Form W-8C if:

- You are the beneficial owner of U.S. source income (other than income that is effectively connected with the conduct of a trade or business within the United States) and you need to establish that you are a foreign person. Instead, submit Form W-8 or Form W-8B.
- You are the beneficial owner of U.S. source income (other than income that is effectively connected with the conduct of a trade or business within the United States) and are claiming a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty. Instead, provide Form W-8 or Form W-8B.

- You are the beneficial owner of income that is effectively connected with the conduct of a trade or business within the United States. Instead, provide Form W-8A.
- You are a nonresident alien individual who claims exemption from withholding on compensation for independent (and certain dependent) personal services performed in the United States. Instead, provide Form 8233, Exemption from Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual, or Form W-4, Employee's Withholding Allowance Certificate.
- You are the beneficial owner of U.S. source income and are claiming an exemption from, or reduced rate of withholding as, an international organization, foreign government, foreign central bank of issue, or foreign tax-exempt organization. Instead, provide Form W-8B.
- You are a hybrid entity claiming treaty benefits on your own behalf. Instead, provide Form W-8.

Giving Form W-8C to the withholding agent. Give Form W-8C to the person who is requesting it from you. Generally, this person will be the one from whom you receive the payment or who credits your account. Give Form W-8C to the person requesting it before income is paid to you or credited to your account. If you do not provide this form, the withholding agent may have to withhold at a 30% rate (nonresident alien withholding) or 31% (backup withholding) rate. A separate Form W-8C must be submitted to each withholding agent.

DO NOT send Form W-8C to the IRS.

Change in status. If a change in circumstances makes any information on the Form W-8C, or any documentation attached to the Form W-8C, you have submitted incorrect, you must notify the withholding agent or payer within 30 days of the changes in circumstances and you must file a new Form W-8C or provide new documentation.

You must update the information furnished to the withholding agent as often as is necessary to enable the withholding agent to withhold at the appropriate rate on each payment and to report such income for purposes of Chapter 3 or 61 of the Code and sections 3402, 3405, and 3406.

Definitions

Intermediary. An intermediary is any person that acts as a custodian, broker, nominee, or other type of agent for another person, regardless of whether that other person is the beneficial owner of the amount paid, a flow-through entity, or another intermediary.

Qualified intermediary. A qualified intermediary is an intermediary that is a party to a withholding agreement with the IRS and is:

- A foreign financial institution or a foreign clearing organization (other than a U.S. branch or U.S. office of the institution or organization);
- A foreign branch or office of a U.S. financial institution or a foreign branch or office of a U.S. clearing organization;
- A foreign corporation for purposes of presenting claims of benefits under an income tax treaty on behalf of its shareholders; or
- Any other person the IRS accepts as a qualified intermediary and who enters into a withholding agreement with IRS.

See **Rev. Proc. 98-27** for procedures to apply to be a qualified intermediary.

Nonqualified intermediary. A nonqualified intermediary is any intermediary other than a qualified intermediary.

Withholding foreign partnership. A withholding foreign partnership is a foreign partnership that has entered into a withholding agreement with the IRS in which it agrees to assume primary withholding responsibility for all payments that are made to it for its partners.

Nonwithholding foreign partnership. A nonwithholding foreign partnership is any foreign partnership other than a withholding foreign partnership.

Beneficial owner. A beneficial owner is the person who is the owner of income for tax purposes and who beneficially owns the income. Thus, a person receiving income as a nominee, custodian, or agent for another person is not the beneficial owner of the income. Generally, a person is treated as the owner of the income to the extent it is required under U.S. tax principles to include the amount paid in gross income on a tax return. A person who is the owner of income is considered the beneficial owner of that income unless that person is a conduit entity whose participation in a transaction can be disregarded. Generally, the principles of section 7701(l) and Regulations section 1.881-3 apply to determine if a person is a conduit entity.

The beneficial owners of income paid to a partnership are those persons who, under U.S. tax principles, are the owners of the income for tax purposes in their separate or individual capacities and who beneficially own the income. Generally, the beneficial owners of income paid to a partnership are the partners, provided that the partner is not itself a partnership or a conduit.

Foreign person. A foreign person includes a nonresident alien individual, a foreign corporation, a foreign partnership, a foreign trust, a foreign estate, and any other person that is not a U.S. person. It also includes a foreign branch or office of a U.S. financial institution or U.S. clearing organization if the foreign branch is a qualified intermediary. Generally, a payment to a U.S. branch of a foreign person is a payment to a foreign person.

Hybrid entity. A hybrid entity is any person other than an individual that is treated as fiscally transparent in the United States but is not treated as fiscally transparent (i.e., is treated as a taxable entity) by a country with which the United States has an income tax treaty. For example, an entity that is treated as a partnership or as a disregarded entity under U.S. tax principles but is treated as an entity equivalent to a U.S. corporation under treaty country principles is a hybrid entity. Hybrid status is relevant for claiming treaty benefits. See the **Specific Instructions to Part II.**

Fiscally transparent entity. An entity is treated as fiscally transparent to the extent that the interest holders in the entity must take into account separately their shares of items of income paid to the entity, and must determine the character of the items of income as if they were realized directly from the sources from which realized by the entity. For example, partnerships are generally considered to be fiscally transparent. See Regulations section 1.894-1T(d)(4)(ii).

Disregarded entity. A business entity that has a single owner and is not a corporation under Regulations section 301.7701-2(b) is disregarded as an entity separate from its owner.

Amounts subject to withholding. An amount subject to withholding is an amount from sources within the United States that is fixed or determinable annual or periodical (FDAP) income. FDAP income is all income included in gross income, including interest (and original issue discount), dividends, rents, royalties, and compensation. FDAP income does not include most gains from the sale of property (including market discount and option premiums) and insurance premiums within the meaning of section 4372 paid to a foreign insurer or reinsurer. FDAP also does not include items of U.S. source income that are excluded from gross income without regard to the identity of the holder, such as interest under section 103(a).

Other amounts that are subject to withholding that are not FDAP income are payments of U.S. source gains from the disposal of timber, coal, or domestic iron ore with a retained economic interest, and U.S. source gains from the sale or exchange of patents, copyrights, and similar intangible property that are contingent on the productivity, use, or disposition of the property or interest sold or exchanged.

Withholding on payment of accrued OID is required only when the withholding agent has actual knowledge of the portion of the payment that is taxable to the beneficial owner as OID. A withholding agent has actual knowledge if it knows how long the beneficial owner has held the obligation, the terms of the obligation, and whether the beneficial owner purchased the obligation at a premium. A withholding agent is treated as having knowledge if the information is reasonably available. Information is reasonably available if a withholding agent maintains a direct account relationship with the beneficial owner. Even if a withholding agent does not have this knowledge, he must withhold on the entire amount of OID if it does not have a Form W-8 from the beneficial owner and the OID would qualify as portfolio interest if a Form W-8 had been provided.

Reportable amount. A reportable amount is an amount subject to withholding, U.S. source deposit interest (including original issue discount) described in section 871(i)(2)(A), and U.S. source interest or original issue discount on short-term obligations described in section 871(g)(1)(B). It does not include payments on deposits with banks and other financial institutions that remain on deposit for two weeks or less. It also does not include amounts of original issue discount arising from a sale and repurchase transaction completed within a period of two weeks or less, or amounts described in Regulations section 1.6049-5(b)(7), (10), or (11) (relating to certain obligations issued in bearer form).

Withholding agent. A withholding agent is any person, U.S. or foreign, that has the control, receipt, custody, disposal, or payment of any amount subject to withholding. The withholding agent may be an individual, corporation, partnership, trust, association, or any other entity, including (but not limited to) any foreign intermediary, foreign partnership, and U.S. branches of certain foreign banks and insurance companies. Generally, the person who pays (or causes to be paid) the item of U.S. source income to the foreign person (or to its agent) must withhold.

Specific Instructions

Part I

Line 1. Enter your name. In so doing, you are representing to the payer or withholding agent that you are not the beneficial owner of the amounts that will be paid to you.

Line 2. Enter the country of incorporation if you are a corporation. If you are another type of entity, enter the country under whose laws you are created, organized, or governed.

Line 3. Your permanent residence address is the address in the country where you claim to be a resident. Do not show the address of a financial institution, a post office box, or an address used solely for mailing purposes. If you do not have a tax residence in any country, the permanent residence address is where you maintain your principal office or, if you are an individual, where you normally reside.

Line 4. Enter your mailing address only if it is different from the address you show on line 3.

Line 5. A U.S. taxpayer identification number means an Employer Identification Number (EIN). Use **Form SS-4, Application for Employer Identification Number**, to obtain an EIN. If you are a qualified intermediary, the EIN is the one issued to you in your capacity as a qualified intermediary.

You must provide a TIN if you are a qualified intermediary, a foreign withholding partnership, or a U.S. branch of a foreign bank or insurance company filling out Part IV of the form.

Line 6. If your country of residence for tax purposes has issued you a tax identifying number, enter it here.

Line 7. List all account numbers with the same withholding agent or payer here unless the withholding agent or payer requires you to submit a separate Form W-8C for each account.

Line 8. Check the one box that applies. If you are a foreign partnership receiving the payment on behalf of your partners, check the withholding foreign partnership box or the nonwithholding foreign partnership box, whichever is appropriate. If you are a foreign partnership receiving a payment on behalf of persons other than your partners, check the qualified intermediary or nonqualified intermediary box, whichever is appropriate.

Parts II Through VI

Generally, you should complete only one part. However, if you are acting in multiple capacities, you may either provide separate Forms W-8C for each capacity, or you may fill in the parts of Form W-8C that apply. For example, if you are acting as a qualified intermediary for one account, but a nonqualified intermediary for another account, you may provide one Form W-8C in your capacity as a qualified intermediary, and a separate Form W-8C in your capacity as a nonqualified intermediary. Alternatively, you may fill out both Parts II and III of a single Form W-8C.

If you are acting in multiple capacities and you provide only one Form W-8C, the statements which you attach in accordance with the instructions under Parts II through VI, must clearly allocate the groups of assets to each capacity in which you act. If the withholding agent is unable to allocate any asset to only one capacity in which you are acting, your Form W-8C is unreliable and the withholding agent may not treat it as a valid Form W-8C.

Part II — Qualified Intermediary

Line 9

Check the box if you are a qualified intermediary for the assets for which you are providing this form. By checking the box, you are certifying to all of the statements contained in Part II.

Although you are required to obtain withholding certificates or appropriate documentation from beneficial owners, payees, and, if applicable, shareholders, as specified in your withholding agreement with the IRS, you do not need to attach the certificates or documentation to this Form. However, you must disclose the names of those U.S. persons for whom you receive reportable payments and who are not exempt recipients (as defined in Regulation section 1.6049-4(c)(1)(ii) or under section 6041, 6042, 6045, or 6050N). You should make this disclosure by attaching to Form W-8C the Forms W-9 (or substitute form) of persons who are not exempt recipients. If you do not have a Form W-9 for a non-exempt U.S. payee, you must attach to Form W-8C any information you have regarding that person's name, address, and TIN. This disclosure is required even though foreign law may prohibit the disclosure of such information.

Statement for assets for which the qualified intermediary does not assume primary withholding responsibility. If you are a qualified intermediary that is not assuming primary withholding responsibility, you must attach to Form W-8C a statement that separates the assets that generate payments of reportable amounts into the three overall categories described below, and as many classes of assets as are necessary to give the withholding agent sufficient information to determine the amount required to be withheld from amounts paid to the intermediary and reported to the IRS. This information may be provided in any manner the parties choose. For example, if the withholding agent maintains separate accounts for each class of assets, the qualified intermediary must attach to Form W-8C a statement that provides information sufficient for the withholding agent to allocate assets appropriately among the various accounts. If the withholding agent does not maintain separate accounts, the qualified intermediary must attach a

statement to Form W-8C that provides sufficient information to permit the withholding agent to determine the classes of assets.

Note: No information is required regarding assets that do not generate reportable amounts.

There are three overall **categories of assets:**

1. Assets associated with foreign payees. If different withholding rates apply, the assets must be subdivided into classes of assets. Also, assets on which payments are made to different foreign countries must be segregated into different classes.

2. Assets associated with U.S. payees. If there are non-exempt recipients in this category, the assets allocable to those payees must be separated into a separate class of assets for each payee. In addition, the qualified intermediary must provide a Form W-9 for each U.S. payee that is not an exempt recipient or, in the absence of a Form W-9, the name and address of the U.S. payee and the payee's TIN, if known. Assets associated with all U.S. payees that are exempt recipients, however, are a single, separate class of assets. The identities of U.S. payees that are exempt recipients do not need to be given to the withholding agent.

3. Assets associated with undocumented payees. A qualified intermediary receiving reportable amounts (other than U.S. source bank deposit interest or short-term OID) must presume that the undocumented payees are foreign persons (and subject to 30% nonresident alien withholding), unless the qualified intermediary actually knows that the payee is a U.S. person that is not an exempt recipient (and subject to 31% backup withholding). For bank deposit interest from a U.S. branch of a U.S. bank or similar financial institution or for short-term OID, the qualified intermediary must presume that the undocumented payee is a U.S. person that is not an exempt recipient and 31% backup withholding applies.

A **class of assets** is a group of assets that produces the same type of income (e.g., interest or dividends), is subject to the same rate of withholding, and is associated with the same type of payee or beneficial owner (e.g., foreign, U.S., or undocumented payees). In addition, a qualified intermediary is required to identify classes of assets on a country-by-country basis. You may aggregate assets in a particular account (other than assets allocable to U.S. persons that are not exempt recipients) if all of the income from the assets in the account is subject to the same rate of withholding and the same type of information reporting and payments are made to recipients in the same foreign country.

See Rev. Proc. 98-27 for further information on the determination of classes of assets.

Statement for assets for which the qualified intermediary assumes primary withholding responsibility. Assets for which a qualified intermediary assumes primary withholding responsibility are a single separate class of assets. The qualified intermediary does not have to identify separate classes of assets within that class if the assumption of withholding responsibility makes such a disclosure unnecessary. Generally, a qualified intermediary may not assume primary withholding responsibility for a payment allocable to a U.S. person.

Updating the statement. The statement by which the qualified intermediary identifies the relevant classes of assets must be updated as often as is necessary to allow the withholding agent to withhold at the appropriate rate on each payment and to correctly report the income to the IRS.

Part III — Nonqualified Intermediary

Line 10

If you are providing Form W-8C as a nonqualified intermediary, you must check box 10a certifying that you are not acting for your own account and you are using this form to transmit withholding certificates or other documentation. You must also check either box 10b OR box 10c, but not both.

Check box 10b if you are transmitting all of the withholding certificates and other documentation for all of the persons for whom you are providing this form. You may provide copies of the

withholding certificates or other documentation, but you must keep the original documentation for as long as it may be relevant in determining the withholding agent's tax liability.

Check box 10c if you do not have withholding certificates or other documentation (or the documentation you have is unreliable) for some persons for whom you are providing this form. You must separately identify the amounts allocated to persons for whom documentation is lacking or is unreliable.

If you are acting on behalf of another nonqualified intermediary or on behalf of a foreign partnership that is not a withholding foreign partnership, you must attach to your own Form W-8C the Form W-8C of the other nonqualified intermediary or the foreign partnership together with the withholding certificates or other documentation attached to that Form W-8C.

Statement of nonqualified intermediary. An intermediary that is not acting as a qualified intermediary must provide information sufficient for the withholding agent to determine the proportion of each payment of reportable amounts that is allocable to each person to whom the intermediary withholding certificate relates, including persons for whom the nonqualified intermediary has not attached a withholding certificate or other appropriate documentation. The sum of all of the proportions indicated by the intermediary, expressed as a percentage, **must** equal 100% of the payment.

The information for persons for whom a withholding certificate or other documentation is lacking or unreliable may be given in the aggregate and need not be given separately for each person. The nonqualified intermediary is not required to disclose the names of the persons for whom it does not have a valid withholding certificate or other documentation unless it has actual knowledge that the undocumented person is a U.S. person that is not an exempt recipient. In that case, the intermediary must state separately the name, address, and TIN (if known) of the U.S. person.

In addition to providing information sufficient for the withholding agent to determine the proportion of each payment of reportable amounts that is allocable to each person to whom the intermediary withholding certificate relates, the statement must provide information that allows the withholding agent to determine the categories and classes of assets in the same manner as if the nonqualified intermediary were a qualified intermediary. Further, if any documentary evidence, other than a Form W-8, is provided on behalf of a beneficial owner (other than an individual claiming treaty benefits), the nonqualified intermediary must determine whether the documentation contains statements that the beneficial owner meets one or more conditions in the "limitation on benefits" article (if any) in a treaty and that the income is derived by the beneficial owner as a resident of a treaty country within the meaning of Regulations section 1.894-1T(d)(1), and must inform the withholding agent as to which payments those statements relate.

Portfolio interest statement. A nonqualified intermediary that is a securities clearing organization, a bank, or other financial institution that holds customers' securities in the ordinary course of its trade or business may meet the requirements of section 871(h)(5)(B) (describing the statement required for interest or OID to qualify as portfolio interest) and Regulations section 1.871-14(c)(2)(v) by checking boxes 10a and 10b (but not box 10c) and indicating in a statement attached to the form that it: (a) is a securities clearing organization, a bank, or other financial institution that holds customers' securities in the ordinary course of its trade or business; and (b) that it has received a Form W-8 from the beneficial owner, or a similar statement from another financial institution that it has received a Form W-8 from the beneficial owner. In addition, the statement must contain the names and addresses of the beneficial owners and a copy of the Forms W-8 provided by the beneficial owners must be attached.

A person providing Form W-8C to meet the portfolio interest statement requirement should not check box 10c. If it does, portfolio interest treatment cannot be given to any amount allocated to beneficial owners for which no Form W-8 is provided.

Part IV — United States Branch

Line 11

Check the box to certify that you are either:

- A U.S. branch of a foreign bank subject to regulatory supervision by the Federal Reserve Board; or
- A U.S. branch of a foreign insurance company required to file an annual statement on a form approved by the National Association of Insurance Commissioners with the insurance department of a state, a territory, or the District of Columbia.

By checking the box you are also certifying that the income you are receiving is not effectively connected with the conduct of a trade or business in the United States.

Lines 12 or 13

If you are one of the types of U.S. branches specified above, then you may choose to be treated in one of two ways:

1. If you have an agreement with the withholding agent to whom you are providing this form to be treated as a U.S. person, you may check the line 12 box as evidence of your agreement. In this case, you will be treated as a U.S. person. Therefore, you will receive the payment free of chapter 3 withholding, but you will yourself be responsible for chapter 3 withholding, and backup withholding under Chapter 61, for any payments you make or credit to the account of persons for whom you are receiving the payment.

2. If you do not have an agreement with the withholding agent to be treated as a U.S. person, you may check box 13a to indicate that you are transmitting withholding certificates for persons for whom you are receiving payments as an intermediary. If you check box 13a, you must check box 13b **OR** box 13c, but not both. You must also follow the appropriate instructions to lines 10b or 10c, including the instructions for attaching the same statement regarding asset classes that must be provided by a qualified intermediary that does not accept primary withholding responsibility.

Part V — Withholding Foreign Partnership

Line 14

Check this box if you are a withholding foreign partnership for the assets for which you are providing this form and you are receiving the income from those assets on behalf of your partners. **Do not check** this box if you are receiving income on behalf of persons other than your partners. In that case, you should either complete **Part II** or **Part III**.

If you are acting as a foreign withholding partnership, you must assume primary withholding responsibility for all payments that are made to you for your partners. Therefore, you are not required to provide information to the withholding agent regarding each partner's distributive share of the payment. However, if you are receiving payments from the same withholding agent for persons other than your partners and you are using a single Form W-8C in your capacity as a withholding foreign partnership and as an intermediary, you must attach a statement that identifies those assets for which you are acting as a withholding foreign partnership. For the remainder of the assets, you must fill out **Part II** or **Part III**, and attach all necessary statements required by the instructions under those parts.

Part VI — Nonwithholding Foreign Partnership

Line 15

Check **box 15a** if you are a foreign partnership that is not a withholding foreign partnership. By checking this box, you are also certifying that the income you are receiving is not effectively connected income. If you are receiving income that is effectively connected with the conduct of a trade or business in the United States, provide Form W-8A.

You must also check either box 15b **OR** 15c, but not both. Check **box 15b** if you have and are transmitting all of the withholding certificates and other documentation for all of the partners for whom you are providing this form. You may provide copies of the withholding certificates or other documentation, but you must keep the original documentation for as long as it may be relevant to determine the withholding agent's tax liability. Check **box 15c** if you do not have withholding certificates or other documentation (or the documentation you have is unreliable) for some persons for whom you are providing this form. You must separately identify the amounts allocated to partners for whom documentation is lacking or is unreliable.

Do not complete Part VI if you are not receiving the income on behalf of your partners. In that case, complete **Parts II, III, IV, or V**, whichever is appropriate.

If you are acting on behalf of another foreign partnership that is not a withholding foreign partnership or a nonqualified intermediary, you must attach to your own Form W-8C the Form W-8C of the other foreign partnership or nonqualified intermediary together with the withholding certificates or other documentation attached to that other form.

Statement of foreign partnership. You must attach a statement to Form W-8C that provides the information necessary for the withholding agent to determine the amount required to be withheld from the amounts paid, such as each partner's distributive share of the reportable amounts to which this form relates. The sum of all partners' distributive shares, expressed as a percentage, must equal 100%. In addition, you must attach the same statement relating to your partners as is required of a nonqualified intermediary.

Signature

Form W-8C must be signed and dated by a person authorized to sign a declaration under penalties of perjury on behalf of the person whose name is on the form.

Instructions for the Withholding Agent or Payer

Responsibilities of the Withholding Agent. If you make a payment of interest, dividends, rents, royalties, commissions, nonemployee compensation, or certain other amounts (including broker and barter exchange transactions, and certain payments made by fishing boat operators), you are generally required to obtain from the payee either a Form W-9 with a TIN or a Form W-8, W-8A, W-8B, or W-8C. If you receive a Form W-9 with a TIN, you must generally make an information return on Form 1099. If you receive a Form W-8, W-8A, W-8B, or W-8C you are exempt from reporting on Form 1099, but you may have to file Form 1042-S and withhold under the rules applicable to payments made to foreign persons. See **Form 1042-S**, Foreign Persons's U.S. Source Income Subject to Withholding.

Generally, you can rely on a Form W-8, Form W-8A, Form W-8B, or Form W-8C only to the extent you can reliably associate a payment with it. You can reliably associate a payment with a Form W-8, Form W-8A, Form W-8B, or Form W-8C if, for that payment, you hold a valid form, you can reliably determine how much of the payment relates to the form, and you have no actual knowledge or reason to know that any of the information or certifications on the form are incorrect.

If you do not receive Form W-8, Form W-8A, Form W-8B, Form W-8C or Form W-9, or if you cannot reliably associate the payment with a Form W-8, Form W-8A, Form W-8B, or Form W-8C, you must determine whether a payment should be treated as made to a U.S. person or to a foreign person. Generally, you must rely on the presumption rules set forth in Regulations sections 1.1441-1(b)(3), 1.1441-4(a), 1.1441-5(d), 1.1441-5(e), 1.1441-9(b)(3), and 1.6049-5(d) if a payee required to provide Form W-8, Form W-8A, Form W-8B, Form W-8C, or Form W-9 does not provide the form or the form is incorrect. Generally, the payee is treated as a U.S. person, and you are required to report the payment on Form 1099 and apply 31% backup withholding.

Note: *Certain payees known as "exempt recipients" are not required to provide a Form W-9 and are exempt from backup withholding. If you make a payment to an exempt recipient, you do not have to obtain a Form W-9 and you have no Form 1099 reporting requirement. However, if the exempt recipient has an Employer Identification Number (EIN) beginning with "98" or shows a foreign mailing address, the name of the payee indicates that it is on the per se corporation list in Regulations section 301.7701-2(b)(8)(i) or the payment is made outside of the United States, treat the recipient as a foreign person. In that case, 30% withholding may apply. See the **Instructions for Requester of Form W-9** for a list of exempt recipients.*

Requesting Form W-8. You must request Form W-8, W-8A, W-8B or W-8C from any person to whom you are making a payment that you presume to be a foreign person. (You must do so before making a payment so that you hold the form when making the payment.) When you receive a completed Form W-8, W-8A, W-8B, or W-8C you must review it for completeness and accuracy. You may rely on the information and certifications provided on the form unless you have actual knowledge or reason to know that the information is untrue or incorrect. You have reason to know that the information is untrue or incorrect if you have knowledge of relevant facts or statements contained in the withholding certificates or other documentation that would cause a reasonably prudent person in the position of the withholding agent to question the claims made. For example, if you have information in your records that contradicts information provided on the form, you may not rely on the form. If you know or have reason to know that any information is untrue or incorrect, you must obtain a new form or obtain documentation from the beneficial owner to support the beneficial owner's claim of foreign status or reduced withholding.

Due Diligence Requirements. You are responsible for ensuring that all information relating to the type of income for which Form W-8, W-8A, W-8B, or W-8C is submitted is complete and appears accurate. This responsibility extends to the information attached to Form W-8C, including beneficial owner withholding certificates or other documentation.

If you are a foreign financial institution (including a regulated investment company) paying dividends and interest from stocks and debt obligations that are actively traded, dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940, dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were upon issuance) publicly offered and registered with the SEC under the Securities Act of 1933 and amounts paid with respect to loans of securities, you have reason to know that the Form W-8, Form W-8A, Form W-8B, Form W-8C or documentary evidence for a beneficial owner is not reliable and you must request a new form or additional documentation in support of a beneficial owner's claims in any of the following circumstances:

1. The permanent residence address given is an address in the United States. However, if the beneficial owner is an individual, trust, or estate, you may rely on information in your files that is less than 3 years old and that supports the claim of foreign status, despite the U.S. address. If you have no information in your files, you must contact the beneficial owner or the beneficial owner's agent in the United States and obtain an explanation in writing supporting the claim of foreign status of the beneficial owner. Documentation supporting the claim must be attached to the beneficial owner's statement. If the beneficial owner is other than an individual, trust, or estate, you must inquire as to whether the person whose name is on the Form W-8 is actually organized or created under the laws of a foreign country.

2. The payment is directed to a P.O. box, in-care-of address, or a U.S. address. If the beneficial owner is an individual, you may rely on a certificate of residence (as described in Regulations section 1.1441-6(c)(3)) or other documentary evidence issued by a governmental authority that contains the individual's name, address, and photograph, to support the beneficial owner's claim of residence in a foreign country. In the case of a person other than an individual, the withholding agent

may rely on other evidence to ascertain that the person whose name is on the withholding certificate is not a U.S. person.

3. If treaty benefits are claimed, the permanent residence or mailing address is not in the corresponding treaty country. In this case the withholding agent may rely on the type of documentary evidence mentioned in item 2, above.

4. The mailing address on the Form W-8 is in the United States or the beneficial owner notifies you of a new address for mailing or residential purposes that is in the United States, a P.O. box, or an in-care-of address, or, in the case of income for which benefits under a tax treaty are claimed, the mailing address on Form W-8 or the new mailing or residential address is not in the treaty country. The withholding agent may rely on documentary evidence of a type described in item 2 supporting a beneficial owner's claim of residence in a treaty country.

5. The name of the person on the Form W-8 indicates that the person's status is a corporation, partnership, trust, estate, or an individual, and the person's claim of status is not consistent with such indication.

Special rules applicable to payments to foreign intermediaries and foreign partnerships. The following rules apply if you can reliably associate a payment with a Form W-8C (other than a Form W-8C from a qualified intermediary that has assumed primary withholding responsibility or a withholding foreign partnership) but some or all of the withholding certificates or other documentation required to be attached are missing or are unreliable or information for allocating the payment among various persons for whom the intermediary is acting is missing or unreliable. For this purpose, a foreign branch of a U.S. person that is a qualified intermediary shall be treated as a foreign intermediary. Despite the missing or unreliable documentation or information, a payment made with respect to the form is treated as a payment to a foreign intermediary and not to a beneficial owner.

If you cannot associate a payment with beneficial owner documentation because it is missing from the Form W-8C, you must generally presume that the payment is made to a foreign payee for whom the foreign intermediary or foreign partnership collects the payment. For this purpose, a payment that a qualified intermediary represents is allocable to persons for whom the qualified intermediary does not hold documentation is treated as a payment that cannot be associated with beneficial owner documentation. Any payment allocable to persons for whom the foreign intermediary or foreign partnership holds no beneficial owner documentation is presumed made to an unidentified foreign payee and is subject to withholding at a 30% rate.

If you can reliably associate a payment with a group of beneficial owners or payees but you do not have reliable information to determine how much of the payment is allocable to one or more beneficial owners or payees in the group, the payment to the extent it cannot be reliably allocated is presumed to be allocable entirely to the beneficial owner or payee in the group with the highest withholding rate or, if the rates are equal, to the beneficial owner or payee in the group that you estimate, based on your knowledge and information, has the highest U.S. tax liability.

If the foreign intermediary or foreign partnership fails to attach withholding certificates or other documentation representing all of the persons to whom the Form W-8C relates or fails to attach an allocation statement and, as a result, you cannot determine how much of the payment is allocable to each of the persons or group of persons, none of the payment can be reliably associated with any one person and the entire payment is presumed to be made to an unidentified foreign payee and 30% nonresident alien withholding applies.

Grace period for certain payments. For specific types of payments, you may treat a payee as a foreign person (for up to a maximum of 90 days) if you do not hold a valid Form W-8, Form W-8A, Form W-8B, or Form W-8C from the payee and you have any of the following:

- An address in a foreign country for that person.

- A facsimile copy or other non-qualified electronic transmission of the information required to be stated on a Form W-8 for that person.

- A Form W-8 that is no longer reliable for reasons other than because its validity has expired.

The grace period applies only for the following types of payments:

- Dividends and interest from stocks and debt obligations that are actively traded;
- Dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual funds);
- Dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were upon issuance) publicly offered and are registered with the SEC under the Securities Act of 1933; and
- Income related to loans of any of the above securities.

If you may apply the grace period, it begins, for a newly opened account, on the date the payer first credits the account. For an existing account for which the payer holds a Form W-8, the grace period begins on the date the payer first credits the account after the existing documentation held can no longer be relied upon. The grace period ends on the earlier of the close of the 90th day from the date the grace period begins, the date the documentation is provided, or the last day of the calendar year. The grace period also ends when the remaining balance in the account equals 31 percent of the total amounts credited since the beginning of the grace period.

You may not use the grace period rules to apply a reduced withholding rate. However, if you have a withholding certificate that is otherwise valid except that it is transmitted by facsimile, you may rely on that facsimile form for purposes of withholding at the reduced rate that the beneficial owner claims on the facsimile for the grace period.

If, by the end of the grace period, the payee has not given you the required documentation, you must apply the presumptions described in **Responsibilities of the Withholding Agent** on page 5.

Expiration of Form W-8C. Generally, a Form W-8C remains valid until the status of the person whose name on the certificate is changed in a way relevant to the certificate or circumstances change that make the information on the certificate no longer correct. The indefinite validity period does not extend, however, to any withholding certificates or documentary evidence attached to the certificate. Moreover, it does not extend to the statements attached to the certificate if a change of circumstances makes the information on the attached statements no longer correct.

Do not send Form W-8C to the IRS. Instead, keep Form W-8C in your records for as long as it may be relevant to the determination of your tax liability under section 1461. Use the information on Form W-8C to prepare **Form 1042-S**, Foreign Person's U.S. Source Income Subject to Withholding.

Substitute Forms W-8C

You may develop and use your own Form W-8C (a substitute Form W-8C) if its content is substantially similar to the IRS's official Form W-8C, to the extent required by these instructions, and it satisfies certain certification requirements. You may develop and use a substitute Form W-8C that is in a foreign language, provided that the substitute form also provides the English version of the statements and information otherwise required to be included in the substitute form. You may combine Forms W-8, W-8A, W-8B, and W-8C into a single substitute form.

You may incorporate a substitute Form W-8C into other business forms you customarily use, such as account signature cards, provided the required certifications are clearly set forth. You may not:

1. Use a substitute Form W-8C that requires the payee, by signing, to agree to provisions unrelated to the required certifications; or

2. Imply that a person may be subject to 30% withholding or 31% withholding unless that person agrees to provisions on the substitute form that are unrelated to the required certifications.

Content of substitute form. The substitute Form W-8C must contain all of the information required in Part I, other than lines 6 and 7. The substitute Form W-8C must also contain all of the statements and certifications contained in Parts II, III, IV, V, or VI, but a specific part only needs to be included (in its entirety) if it is relevant. For example, if the only intermediaries a U.S. withholding agent has as account holders are qualified intermediaries, the withholding agent could use a substitute Form W-8C that contains only the required information from Part I, plus the statements and certifications from Part II. A substitute Form W-8C must also contain the same attachments as the official form.

A substitute Form W-8C is valid only if it has the same penalties of perjury statement as the official form and the signature of an authorized official. However, if the substitute form is contained in some other business form, the words "on this form" may be modified to refer to that portion of the business form containing the substitute Form W-8C information. The design of the substitute form must be such that the information and certifications that are being attested to by the penalties of perjury statement clearly stand out from any other information contained in the form. Additionally, the following statement must be presented in the same manner as in the preceding sentence and must appear immediately above the single signature line: "The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to establish your status as a qualified intermediary, a nonqualified intermediary, a specified type of U.S. branch, a

withholding foreign partnership, or a nonwithholding foreign partnership."

The substitute form must contain instructions that adequately inform the intermediary what is meant by permanent residence address. You are, however, encouraged to provide all relevant instructions, especially if the payee requests them.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. If you want to receive exemption from withholding on compensation for independent (and certain dependent) personal services, you are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: Recordkeeping, XX min.; Learning about the law or the form, XX min.; Preparing and sending the form to IRS, XX min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the tax form to this office. Instead, give it to your withholding agent.

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

Announcement 98-52

The names of organizations that no longer qualify as organizations described in section 170(c)(2) of the Internal Revenue 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 organization ceases to qualify under section 170(c)(2) if the organization has not timely filed a suit for declaratory judgment under section 7428 and if the contributor (1) had knowledge of the revocation 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 omissions of the organization that brought about this revocation.

If on the other hand a suit for declaratory judgment has been timely filed, contributions from individuals and organizations described in section 170(c)(2) that are otherwise allowable will continue to be deductible. Protection under section 7428(c) would begin on (DATE) 1998, 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 maximum deduction protected is \$1,000, with a husband and wife treated as one contributor. 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 revocation.

Youth Today Leaders Tomorrow, Inc.
Golden Valley, MN

Foundations Status of Certain Organizations

Announcement 98-53

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:

AAB Generations Foundation, Irving, TX
AFROTC Cadet Association, Boulder, CO
Arizona Cowboy Hall of Fame and Museum Inc., Payson, AZ
Arizona Multi-Cultural Youththeatre and School of Music Dance Drama, Scottsdale, AZ
Asia Missionary Evangelism, Garden Grove, CA
Association for Injured Workers, Fridley, MN
Baltimore Washington Chapter of the Health Physics Society Inc., Silver Spring, MD
Big Sky Family Allergy-Asthma Support Team Inc., Bozeman, MT
Black Watch Soccer Club Inc., Tampa, FL
Boynton Beach Community Development Corporation, Boynton Beach, FL
Bulldog Hockey Club Inc., Washington, DC
Central Wisconsin Zoological Society Inc., Wausau, WI
Cherry Creek Touchdown Club Inc., Englewood, CO
Christ Centered Counseling Clinic Inc., Madison, TN
Christine Gage Upper East Trenton Outreach Center Inc., Trenton, NJ
Clark County Arts and Humanities Council, Arkadelphia, AR
Coalition Advocating Marydales Preservation, Villa Hills, KY
Columbia Central High School Academic Boosters Association, Columbia, TN
Community Housing Inc., Tampa, FL
Community Services Development Group, Olympia, WA

Community Re-Orientation Program, Greenville, NC
Community Tutoring School, Mesa, AZ
Corporation for Cardiac Education, Richmond, VA
Creating Positive Relationships Incorporated, Carmel, IN
Dixie Hollins Band Boosters Inc., St. Petersburg, FL
Funeral Directors Association of Kentucky Scholarship Trust, Frankfort, KY
Gentlemens Club, Lufkin, TX
Edgeworth Preservation, Sewickley, PA
Ernest T. Chadwell Parent and Teacher Organization, Madison, TN
Friends of Bulloch Inc., Roswell, GA
Friends of the Wentzville High School Math Team Inc., Foristell, MO
Gods Hope, Hillsboro, MO
Good Life Therapeutic Equestrian Center Inc., Albany, GA
Greater Atlanta Dermatology Foundation Inc., Atlanta, GA
Greater Collegedale School System Endowment Fund Inc., Collegedale, TN
Grove City Star, Grove City, OH
Happy Days Daycare & Child Development Center Inc., Diaz, AR
Hawley-South Granville Choral Parents Association, Creedmoor, NC
Helen K. Kanoy Endowment Fund, Thomasville, NC
Help or Motivate Everybody, Inc., Dallas, TX
Helping Hands of America Association, Winston Salem, NC
Huntsville Chapter of the American Institute of Banking, Huntsville, AL
Indiana Minority Consortium on Substance Abuse Inc., Muncie, IN
International Society of Welding Educators, Inc., Miami, FL
Irving Schools Crime Stoppers Inc., Irving, TX
Journey of the Heart International, Falcon Heights, MN
Kids School Tools Inc., Macon, GA
Life Change Technologies of Ohio Inc., Kent, OH
Matlack Specialized Creative Ministries, Bayonet, FL
Medford Educational Institute Inc., Medford, OR
Metropolitan Milwaukee Civic Alliance, Milwaukee, WI
Middle East Development and Science Institute Inc., Potomac, MD

Mitchell High School Athletic Booster Club, Colorado Springs, CO
 Monacan Band Boosters Association, Richmond, VA
 Mother Divine Love Foundation, Burlingame, CA
 Mountaintop Soccer Association Inc., Swanton, MD
 National Foundation for Families, Auburn, WA
 National Service Organization of Cosa Inc., Louisville, KY
 Nehemiah Project Inc., Dysart, PA
 North Pittsburgh Quilters Guild, Wexford, PA
 North Springs Baptist Church, Colorado Springs, CO
 Northwest Arkansas Society of Diagnostic Medical Sonographers, Springdale, AR
 Ohio Association of Casa and Gal Parachute, Columbus, OH
 100 Black Men of West Tennessee, Jackson, TN
 One Byte At A Time Inc., Nampa, ID
 Osceola & St. Croix Valley Railway Inc., Osceola, WI
 Overcoming Christians Inc., Keller, TX
 Overseas Medical Foundation, San Jose, CA
 Parents for Parity, Flossmoor, IL
 Pearl M. Goodwin Charitable Trust, Garden City, NY
 Permian Basin Childs Play Inc., Odessa, TX
 Pet Adoption Nursery of West County, Chesterfield, MO
 Positive Images Southwest Mississippi Community Outreach Inc., Tylertown, MS
 Purdue Student Broadcasting Foundation Inc., Lafayette, IN
 Rick Finley Memorial Inc., Newark, AR
 Royal Foli Bebe A Ayi Foundation, Washington, DC
 Russellville Womans Club, Russellville, KY
 Safe Medicine for Consumers, San Andreas, CA
 Saginaw Valley Safety and Health Council, Midland, MI
 Salinas Valley Youth Soccer League, Salinas, CA
 San Diego Big Book, Lakeside, CA
 San Diego Youth & Adult Coalition, San Diego, CA
 San Jose Kendo Dojo, Santa Clara, CA
 Santa Monica Youth Athletic Foundation, Santa Monica, CA
 Saturday Seminars, Albany, CA
 Sausalito Sister City Committee Inc., Sausalito, CA
 Save Our Bays and Beaches, Kailua, HI
 Save Our Future, Los Angeles, CA
 Save Our Youth Arts & Education Organization, Pasadena, CA
 Seattle Kobe Sister City Association, Seattle, WA
 Secular Humanists of Los Angeles, Los Angeles, CA
 See Above Productions, Agoura Hills, CA
 Shirts-N-Skins, Los Angeles, CA
 Sibling Communication Network, Tarzana, CA
 Sierra Classic Foundation, Sacramento, CA
 Sigma Tau Educational Foundation, Mercer Island, WA
 Simba-Sis, Pomona, CA
 Skating Club of North Carolina Inc., Cary, NC
 Sober Musicians Fundraiser, Santa Monica, CA
 Sonoma Valley Field of Dreams, Sonoma, CA
 Sunrise Medical Clinic Inc., N. Hollywood, CA
 South Whittier Community Coordinating Council, Whittier, CA
 Southwest Repertory Theatre at Santa Fe Inc., Norman, OK
 Southwest Shalom Ministries for Women, Waco, TX
 Southwest Sports Inc., Louisville, KY
 Sovereign Grace Ministries of Colorado Inc., Canon City, CO
 Space Arts Cener, Inc., Lexington, MA
 Spaha, Inc., Saratoga Springs, NY
 Spare Parts Theatre, Greensboro, NC
 Special Equestrians of the Treasure Coast Inc., Vero Beach, FL
 Special Needs Network, Montrose, CO
 Special Therapeutic Equestrian Program, Greenwood, NE
 S P I N Recycling, Provo, UT
 Spirit of Truth Foundation, Upper Marlboro, MD
 S P O T Inc., Tahlequah, OK
 Spoken for Spinal Cord Injury, Madison, WI
 Sprayberry Band Parents Association Inc., Marietta, GA
 Spring Creek Volunteer Fire Association, Kentwood, LA
 Spring Brook Resident Council, Moline, IL
 Spring Hill Z-Bar Ranch Inc., Hays, KS
 Spring I S D Education Foundation, Houston, TX
 Spring Lake Centennial Playground Committee, Spring Lake, NJ
 Spring of Life Skills Developers, Inglewood, CA
 Springville Preservation Society, Springville, AL
 Spud Webb Youth Foundation, Dallas, TX
 Square One for Youth, Heath, OH
 Squeaky Janitorial Services, Conroe, TX
 SS Peter & Pauls Home and School Association, Boonville, MO
 SSOSS Outreach Inc., Hollywood, FL
 St. Agape Corporation, Wilmington, DE
 St. Barnabas Endowment Foundation, Chicago, IL
 St. Barnard Courthouse Restoration Corporation, Chalmette, LA
 St. Bridgets Educational Foundation, Minneapolis, MN
 St. Charles Chamber of Commerce Business & Education Foundation, St. Charles, MO
 St. Charles Housing II Inc., Pt. Charlotte, FL
 St. Clouds Area Tenants Union, St. Cloud, MN
 St. Francis County Parents Support Group, Marianna, AR
 St. Francis-St. Joseph Catholic Worker House, Cincinnati, OH
 St. James Housing Trust Inc., San Antonio, TX
 St. John Christian Care Center Inc., Oklahoma City, OK
 St. John Community Development Corporation, Camden, NJ
 St. Johns County Christian Action Council Inc., St. Augustine, FL
 St. Josephs Home Inc., West Milwaukee, WI
 St. Louis Bicycleworkers Inc., St. Louis, MO
 St. Louis Co. National Steeplechase Foundation, St. Louis, MO
 St. Margaret Shelter Care Inc., Minneapolis, MN
 St. Mark Outreach Center, Cincinnati, OH
 St. Marthas Senior Care Center, Claremont, CA
 St. Martins Church Foundation Inc., Berlin, MD

St. Marys Church Hamilton Village, Philadelphia, PA
 St. Marys Housing Development Corporation, Glendale, AZ
 St. Michaels Store, Perryville, MO
 St. Oswalds-in-the-Fields Historic Corporation, Oregon, MO
 St. Paul Ciudad Romero Sister City Project, St. Paul, MN
 St. Petersburg Junior Football Athletic Association Inc., St. Petersburg, FL
 St. Petersburg Martin Luther King Jr. Commemorative Organization Inc., St. Petersburg, FL
 St. Tammany Community Housing Resource Board, Slidell, LA
 St. Vincent De Paul Society of the Chippewa Valley Inc., Altoona, WI
 Sta-Home Hospice Inc., Carthage, MS
 Stacy Lane Art and Nature Center, Leonard, MI
 Stan-Beck Ministries Inc., Abilene, TX
 Stand by Me Boys Ranch Inc., Big Sandy, TX
 Standard Bearer Ministries Inc., Zachary, LA
 Stanley Historic Foundation Inc., Estes Park, CO
 Star Foundation for Children, Inc., Melrose, MA
 Starbright Pavilion Foundation, Los Angeles, CA
 Stark Citizens Opposing Pollution of the Environment Inc., Massillon, OH
 Stark County Emergency and Homeless Shelter, Canton, OH
 Stark County Golf Charities Inc., Canton, OH
 Stark County Out of Poverty Partnership Incorporated, Canton, OH
 State International Performing Arts Studios Inc., Benton Harbor, MI
 Statesville High School Renaissance Foundation, Statesville, NC
 Statewide Parent Association for the Childrens Effort Inc., E. Orange, NJ
 Steele Creek Library Association, Charlotte, NC
 Steelville Area Historical Society, Steelville, MO

Stenton Arms Complex Tenants Council, Philadelphia, PA
 Step Ahead Inc., Pinellas Park, FL
 Step of Faith Inc., St. Petersburg, FL
 Stephen House, W. Bend, WI
 Stephens County Food Bank Inc., Toccoa, GA
 Stepping Stone Foundation Inc., Cape Coral, FL
 Sterling Heights Utica Shelby Township Crime Stoppers Inc., Sterling Hts., MI
 Still Hope Ministries Inc., Mount Laurel, NJ
 Stillpoint Ministries Inc., Black Mountain, NC
 Stingray Aquatic Foundation Inc., Miami, FL
 Stormy Weather Productions, Inc., New York, NY
 Stonevale Press Inc., Towson, MD
 Stonewall Estates Group Home Inc., Fredericksburg, VA
 Stopgap Incorporated, Corpus Christi, TX
 Stow Home Bible Study Ministries Incorporated, Stow, OH
 Straight Street Productions Inc., Kennard, NE
 Straightline Ministries Inc., Lansing, MI
 Stride Forward Woodlawn Inc., Birmingham, AL
 Stroke Association of Kentucky Inc., Lexington, KY
 Strom Thurmond Educational Fund Inc., Washington, DC
 Stuarts Draft Crime Prevention Council Inc., Stuarts Draft, VA
 Student Alliance, Chicago, IL
 Student Benefit and Aid Committee for Kids of DC Inc., Washington, DC
 Student Planning Association Inc., Rockwall, TX

If an organization listed above submits information that warrants the renewal of its classification as a public charity or as a private operating foundation, the Internal Revenue Service will issue a ruling or determination letter with the revised classification 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 classification of foundation status in the Internal Revenue Bulletin.

Section 7428(c) Validation of Certain Contributions Made During Pendency of Declaratory Judgment Proceedings

This announcement serves notice to potential donors that the organization listed below has recently filed a timely declaratory judgment suit under section 7428 of the Code, challenging revocation of its status as an eligible donee under section 170(c)(2).

Protection under section 7428(c) of the Code begins on the date that the notice of revocation is published in the Internal Revenue Bulletin and ends on the date on which a court first determines that an organization is not described in section 170(c)(2), as more particularly set forth in section 7428(c)(1). In the case of individual contributors, the maximum amount of contributions protected during this period is limited to \$1,000.00, with a husband and wife being treated as one contributor. This protection 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 the revocation. This protection also applies (but without limitation as to amount) to organizations described in section 170(c)(2) which are exempt from tax under section 501(a). If the organization ultimately prevails in its declaratory judgment suit, deductibility of contributions would be subject to the normal limitations set forth under section 170.

Fountain of Life, Inc.
 Greensboro, NC

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, certified 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 Ser-

vice 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 ac-

countant, 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
Soulides, James C.	Berwyn, IL	CPA	January 1, 1998 to June 30, 2000
Bujan, Frank	Orland Park, IL	CPA	January 1, 1998 to June 30, 2000
Field, Edward L.	Topeka, KS	CPA	January 27, 1998 to April 26, 1999
Cito, Paul J.	West Orange, NJ	CPA	February 21, 1998 to May 20, 1999
Sproul, Jerry	Idaho Falls, ID	CPA	February 25, 1998 to October 24, 1998
Hunt, Russell	Pauls Valley, OK	CPA	March 1, 1998 to June 30, 1998
Oertli, William	Rochester, MN	CPA	March 4, 1998 to March 3, 2000
Maynard, Richard	Reno, NV	CPA	March 10, 1998 to March 9, 2002
McDonald, Bill	Reno, NV	Attorney	March 10, 1998 to March 9, 2002
Komendant, Howard	Passaic, NJ	CPA	March 10, 1998 to September 9, 1998
Kwiatek, Fabian A.	Silver Spring, MD	CPA	March 16, 1998 to March 15, 2001
Brown, Patricia	DeKalb, IL	CPA	March 16, 1998 to September 15, 1999
Marshall, Robert	Woodland Hills, CA	Attorney	March 18, 1998 to November 17, 2000
Baloun, Donald J.	Palatine, IL	CPA	March 25, 1998 to November 24, 1998
Goldman, Harold J.	Summit, NJ	CPA	March 27, 1998 to September 26, 1998
Garner, Darrow C.	Austin, TX	CPA	April 1, 1998 to March 20, 2000
Klein, Charles U.	Dunedin, FL	CPA	April 1, 1998 to September 30, 1999
Morgan, Robert I.	Brownsville, VT	Attorney	April 2, 1998 to April 1, 2000
Teel, Jeffrey J.	Hollis, NH	CPA	April 2, 1998 to April 1, 2001
Hancock, Randall M.	Gardendale, AL	CPA	Indefinite from April 13, 1998
Allison Jr., Dale A.	Blairsville, GA	Attorney	April 15, 1998 to July 14, 2001
Gogel, William A.	North Hills, NY	Attorney	April 21, 1998 to April 20, 2002
Bose, Gautem	Oak Brook, IL	CPA	May 1, 1998 to April 30, 2001
Woods, W. Rex	Belleville, KS	CPA	May 1, 1998 to January 31, 1999
Monahan, John	Seattle, WA	Attorney	May 1, 1998 to April 30, 2001
Swartz, Lewis A.	Syosset, NY	CPA	May 1, 1998 to April 30, 2002

Name	Address	Designation	Date of Suspension
Eckert, Bruce G.	Cleveland, OH	CPA	May 2, 1998 to May 1, 1999
Rozanski, Lawrence J.	Pittsburg, PA	CPA	June 1, 1998 to May 30, 2000
Mangum, Carl E.	Morris Plains, NJ	CPA	July 1, 1998 to December 31, 1999
Reeser, Richard M.	Thornton, CO	CPA	July 1, 1998 to September 30, 1999
Bailey, Thomas O.	Dallas, TX	CPA	July 1, 1998 to June 30, 2001
Johnson, Kenneth E.	Forest Lake, MN	CPA	July 1, 1998 to November 30, 1999
Deren, Joseph	Lackawanna, NY	Attorney	July 1, 1998 to June 30, 2001

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 individual has 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
McDonald, Milton	Stone Mountain, GA	Attorney	Indefinite from February 24, 1998
Parsons, Gary D.	Chattanooga, TN	CPA	Indefinite from February 24, 1998
Buchanan, Steven	Phoenix, AZ	Attorney	Indefinite from February 24, 1998
Caplan, Alan	San Francisco, CA	Attorney	Indefinite from February 24, 1998
Delany, R. Emmet	Ridgefield, CT	Attorney	Indefinite from February 24, 1998
Hirsch, Sheldon	Brooklyn, NY	CPA	Indefinite from February 24, 1998
Newman, Peter R.	Syossett, NY	Attorney	Indefinite from February 24, 1998
Land, Gary	Fayetteville, AR	Enrolled Agent	Indefinite from February 24, 1998
Hunt, William D.	Tulsa, OK	Attorney	Indefinite from February 24, 1998
Hamilton, Robert	Corpus Christie, TX	Attorney	Indefinite from February 24, 1998
Rabinowitz, Emile	Minnetonka, MN	Enrolled Agent	Indefinite from February 24, 1998
McCaffrey, Michael	Wheaton, IL	CPA	Indefinite from February 24, 1998
Eisenstein, Joel	St. Charles, MO	Attorney	Indefinite from February 24, 1998

Name	Address	Designation	Date of Suspension
Cannavo Jr., Joseph S.	St. Louis, MO	Attorney	Indefinite from February 24, 1998
Tilker, Robert M.	Fairfax, VA	CPA	Indefinite from February 24, 1998
Toms, James H.	Hendersonville, NC	Attorney	Indefinite from February 24, 1998
Everett, Kenneth	New York, NY	Attorney	Indefinite from February 24, 1998
Frederick, Charles	Elk Grove	Enrolled Agent	Indefinite from March 13, 1998
Artho, David	Lubbock, TX	CPA	Indefinite from March 18, 1998
Seale, Forrest I.	San Antonio, TX	CPA	Indefinite from March 18, 1998
Yancey, Quinton E.	Stephens City, VA	CPA	Indefinite from March 18, 1998
Hunnicut, Benjamin	Reseda, CA	CPA	Indefinite from March 18, 1998
Finkel, Merle	Beverly Hills, CA	CPA	Indefinite from March 18, 1998
Mullay, Carl P.	Swoyersville, PA	CPA	Indefinite from March 18, 1998
Cunning, Dennis A.	Molalla, OR	CPA	Indefinite from March 18, 1998
Adamson, Steven A.	Nampa, ID	Attorney	Indefinite from April 14, 1998
Bowman, David W.	Colorado Springs, CO	Attorney	Indefinite from April 21, 1998
Beezley, Jack L.	Dallas, TX	Attorney	Indefinite from April 21, 1998
Cunningham, Andrew	Hatfield, PA	CPA	Indefinite from April 28, 1998
Palmquist, Craig S.	Seattle, WA	Attorney	Indefinite from April 21, 1998
Ross, Mark J.	Columbus, OH	Attorney	Indefinite from April 21, 1998
Madoch, Lawrence	Elgin, IL	CPA	Indefinite from April 21, 1998
Taylor, George M.	Springfield, IL	Attorney	Indefinite from April 21, 1998
Casey, Kenneth J.	Corte Madera, CA	CPA	Indefinite from April 21, 1998
Akolt III, John P.	Denver, CO	Attorney	Indefinite from April 21, 1998
Dowdy, Frank	Huntsville, AL	CPA	Indefinite from April 28, 1998
Eckert, Bruce G.	Cleveland, OH	CPA	May 2, 1998 to May 1, 1999
Rozanski, Lawrence J.	Pittsburgh, PA	CPA	June 1, 1998 to May 30, 2000
Mangum, Carl E.	Morris Plains, NJ	CPA	July 1, 1998 to December 31, 1999
Reeser, Richard M.	Thornton, CO	CPA	July 1, 1998 to September 30, 1999
Bailey, Thomas O.	Dallas, TX	CPA	July 1, 1998 to June 30, 2001
Johnson, Kenneth E.	Forest Lake, MN	CPA	July 1, 1998 to November 30, 1999
Deren, Joseph	Lackawanna, NY	Attorney	July 1, 1998 to June 30, 2001

Definition of Terms

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

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

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

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

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

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¹ A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 1997–27 through 1997–52 will be found in Internal Revenue Bulletin 1998–1, dated January 5, 1998.

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¹ A cumulative finding list for previously published items mentioned in Internal Revenue Bulletins 1997–27 through 1997–52 will be found in Internal Revenue Bulletin 1998–1, dated January 5, 1998.

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.

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