

Internal Revenue bulletin

Bulletin No. 1998-47
November 23, 1998

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. 98-55, page 5.

1998 base period T-bill rate. The "base period T-bill rate" for the period ending September 30, 1998, is published, as required by section 995(f) of the Code.

Rev. Rul. 98-56, page 5.

Earned income credit; disqualified income. Gain that is treated as long-term capital gain under section 1231(a)(1) of the Code is not disqualified income for purposes of the earned income credit.

EMPLOYEE PLANS

Notice 98-56, page 9.

Weighted average interest rate update. The weighted average interest rate for November 1998 and the resulting permissible range of interest rates used to calculate current liability for purposes of the full funding limitation of section 412(c)(7) of the Code are set forth.

EXEMPT ORGANIZATIONS

Announcement 98-103, page 12.

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

ADMINISTRATIVE

Notice 98-57, page 9.

Identification of census tracts in District of Columbia Enterprise Zone. This notice provides the identification of those census tracts in the District of Columbia constituting the District of Columbia Enterprise Zone for purposes of section 1400 of the Code and the DC Zone for purposes of section 1400B.

Announcement 98-104, page 13.

Rev. Proc. 98-35, 1998-21 I.R.B. 6, reprinted as Publication 1220, Specifications for Filing Forms 1098, 1099, 5498, and W-2G Magnetically or Electronically, is corrected.

Finding Lists begin on page 17.

Announcement Relating to Court Decisions begins on page 4.



Department of the Treasury
Internal Revenue Service

The IRS Mission

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

and by applying the tax law with integrity and fairness to all.

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.

Announcement Relating to Court Decisions

It is the policy of the Internal Revenue Service to announce at an early date whether it will follow the holdings in certain cases. An Action on Decision is the document making such an announcement. An Action on Decision will be issued at the discretion of the Service only on unappealed issues decided adverse to the government. Generally, an Action on Decision is issued where its guidance would be helpful to Service personnel working with the same or similar issues. Unlike a Treasury Regulation or a Revenue Ruling, an Action on Decision is not an affirmative statement of Service position. It is not intended to serve as public guidance and may not be cited as precedent.

Actions on Decisions shall be relied upon within the Service only as conclusions applying the law to the facts in the particular case at the time the Action on Decision was issued. Caution should be exercised in extending the recommendation of the Action on Decision to similar cases where the facts are different. Moreover, the recommendation in the Action on Decision may be superseded by new legislation, regulations, rulings, cases, or Actions on Decisions.

Prior to 1991, the Service published acquiescence or nonacquiescence only in certain regular Tax Court opinions. The Service has expanded its acquiescence program to include other civil tax cases where guidance is determined to be helpful. Accordingly, the Service now may acquiesce or nonacquiesce in the holdings of memorandum Tax Court opinions, as well as those of the United States District Courts, Claims Court, and Circuit Courts of Appeal. Regardless of the court deciding the case, the recommendation of any Action on Decision will be published in the Internal Revenue Bulletin.

The recommendation in every Action on Decision will be summarized as acquiescence, acquiescence in result only, or nonacquiescence. Both “acquiescence” and “acquiescence in result only” mean that the Service accepts the holding of the court in a case and that the Service will follow it in disposing of cases with the same controlling facts. However, “acquiescence” indicates neither approval nor disapproval of the reasons assigned by the court for its conclusions; whereas, “acquiescence in result only” indicates disagreement or concern with some or all of those reasons. Nonacquiescence signifies that,

although no further review was sought, the Service does not agree with the holding of the court and, generally, will not follow the decision in disposing of cases involving other taxpayers. In reference to an opinion of a circuit court of appeals, a nonacquiescence indicates that the Service will not follow the holding on a nationwide basis. However, the Service will recognize the precedential impact of the opinion on cases arising within the venue of the deciding circuit.

The announcements published in the weekly Internal Revenue Bulletins are consolidated semiannually and annually. The semiannual consolidation appears in the first Bulletin for July and in the Cumulative Bulletin for the first half of the year, and the annual consolidation appears in the first Bulletin for the following January and in the Cumulative Bulletin for the last half of the year.

The Commissioner does not ACQUIESCE in the following decisions:

Clark D. and Janis L. Pulliam v. Commissioner,¹
T.C. 1997-274

Fluor v. United States,²
126 F.3d 1397 (Fed. Cir. 1997)

¹ Nonacquiescence relating to whether the distribution to a sole shareholder of the stock of a newly formed corporation qualified under section 355 of the Internal Revenue Code.

² Nonacquiescence relating to whether the taxpayer owes interest under section 6601(a) on the underpayment of its 1982 tax liability, notwithstanding that such underpayment subsequently was eliminated by a carryback, under section 904(c), of excess foreign tax credits from its taxable year 1984.

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

Section 32.—Earned Income

26 CFR : 1.32-2: *Earned income credit for taxable years beginning after December 31, 1978.*
(Also: § 1231.)

Earned income credit; disqualified income. Gain that is treated as long-term capital gain under section 1231(a)(1) of the Code is not disqualified income for purposes of the earned income credit.

Rev. Rul. 98-56

Section 32 of the Internal Revenue Code allows an earned income credit to eligible individuals whose income does not exceed certain limits. Section 32(i) denies the earned income credit to an otherwise eligible individual if the individual's "disqualified income" exceeds a specified level for the taxable year for which the credit is claimed. Disqualified income is income specified in § 32(i)(2). Gain that is treated as long-term capital gain under § 1231(a)(1) is not disqualified income for purposes of § 32(i).

DRAFTING INFORMATION

The principal author of this revenue ruling is Christie J. Jacobs of the Office of Assistant Chief Counsel (Income Tax and Accounting). For further information regarding this revenue ruling contact Ms. Jacobs on (202) 622-4930 (not a toll-free call).

Section 995.—Taxation of DISC Income to Shareholders

1998 base period T-bill rate. The "base period T-bill rate" for the period ending September 30, 1998, is published, as required by section 995(f) of the Code.

Rev. Rul. 98-55

Section 995(f)(1) of the Internal Revenue Code provides that a shareholder of a DISC shall pay interest each taxable year in an amount equal to the product of the shareholder's DISC-related deferred tax liability for the year and the "base period T-bill rate." Under section 995(f)(4), the base period T-bill rate is the annual rate of interest determined by the Secretary to be equivalent to the average investment yield

of United States Treasury bills with maturities of 52 weeks which were auctioned during the one-year period ending on September 30 of the calendar year ending with (or of the most recent calendar year ending before) the close of the taxable year of the shareholder. The base period T-bill rate for the period ending September 30, 1998, is 5.34 percent.

Pursuant to section 6622 of the Code, interest must be compounded daily. The table below provides factors for compounding the base period T-bill rate daily for any number of days in the shareholder's taxable year (including a 52-53 week accounting period) for the 1998 base period T-bill rate. To compute the amount of the interest charge for the shareholder's taxable year, multiply the amount of the shareholder's DISC-related deferred tax liability (as defined in section 995(f)(2)) for that year by the base period T-bill rate factor corresponding to the number of days in the shareholder's taxable year for which the interest charge is being computed. Generally, one would use the factor for 365 days. One would use a different factor only if the shareholder's taxable year for which the interest charge being determined is a short taxable year, if the shareholder uses the 52-53 week taxable year, or if the shareholder's taxable year is a leap year.

For the base period T-bill rates for the periods ending in prior years, see: Rev. Rul. 86-132, 1986-2 C.B. 137; Rev. Rul. 87-129, 1987-2 C.B. 196; Rev. Rul. 88-94, 1988-2 C.B. 301; Rev. Rul. 89-116, 1989-2 C.B. 197; Rev. Rul. 90-96, 1990-2 C.B. 188; Rev. Rul. 91-59, 1991-2 C.B. 347; Rev. Rul. 92-98, 1992-2 C.B. 201; Rev. Rul. 93-77, 1993-2 C.B. 253; Rev. Rul. 94-68, 1994-2 C.B. 177; Rev. Rul. 95-77, 1995-2 C.B. 122; Rev. Rul. 96-55, 1996-2 C.B. 57; and Rev. Rul. 97-49, 1997-48 I.R.B. 4.

DRAFTING INFORMATION

The principal author of this revenue ruling is David Bergkuist of the Office of the Associate Chief Counsel (International). For further information about this revenue ruling, contact Mr. Bergkuist on (202) 622-3850 (not a toll-free call).

1998 ANNUAL RATE, COMPOUNDED DAILY

DAYS	5.34 PERCENT FACTOR
1	.000146301
2	.000292624
3	.000438968
4	.000585334
5	.000731721
6	.000878129
7	.001024559
8	.001171010
9	.001317483
10	.001463977
11	.001610493
12	.001757030
13	.001903588
14	.002050168
15	.002196769
16	.002343392
17	.002490036
18	.002636702
19	.002783389
20	.002930098
21	.003076828
22	.003223579
23	.003370352
24	.003517147
25	.003663963
26	.003810800
27	.003957659
28	.004104539
29	.004251441
30	.004398365
31	.004545309
32	.004692276
33	.004839264
34	.004986273
35	.005133304
36	.005280356
37	.005427430
38	.005574526
39	.005721643
40	.005868781
41	.006015941
42	.006163122
43	.006310325
44	.006457550
45	.006604796

46	.006752064	97	.014291354	148	.021887103
47	.006899353	98	.014439746	149	.022036607
48	.007046664	99	.014588160	150	.022186132
49	.007193996	100	.014736595		
50	.007341350			151	.022335679
		101	.014885053	152	.022485248
51	.007488725	102	.015033532	153	.022634839
52	.007636122	103	.015182033	154	.022784452
53	.007783541	104	.015330555	155	.022934087
54	.007930981	105	.015479099		
55	.008078443			156	.023083744
		106	.015627665	157	.023233422
56	.008225926	107	.015776253	158	.023383123
57	.008373431	108	.015924863	159	.023532845
58	.008520957	109	.016073494	160	.023682589
59	.008668505	110	.016222147		
60	.008816075			161	.023832355
		111	.016370821	162	.023982143
61	.008963666	112	.016519518	163	.024131953
62	.009111279	113	.016668236	164	.024281785
63	.009258913	114	.016816976	165	.024431639
64	.009406569	115	.016965738		
65	.009554247			166	.024581515
		116	.017114521	167	.024731413
66	.009701946	117	.017263326	168	.024881332
67	.009849667	118	.017412153	169	.025031274
68	.009997409	119	.017561002	170	.025181237
69	.010145173	120	.017709873		
70	.010292959			171	.025331223
		121	.017858765	172	.025481230
71	.010440766	122	.018007679	173	.025631259
72	.010588595	123	.018156615	174	.025781311
73	.010736445	124	.018305573	175	.025931384
74	.010884317	125	.018454552		
75	.011032211			176	.026081479
		126	.018603554	177	.026231596
76	.011180126	127	.018752577	178	.026381735
77	.011328064	128	.018901622	179	.026531896
78	.011476022	129	.019050688	180	.026682079
79	.011624003	130	.019199777		
80	.011772005			181	.026832284
		131	.019348887	182	.026982511
81	.011920028	132	.019498019	183	.027132760
82	.012068073	133	.019647173	184	.027283031
83	.012216140	134	.019796349	185	.027433324
84	.012364229	135	.019945547		
85	.012512339			186	.027583639
		136	.020094766	187	.027733976
86	.012660471	137	.020244007	188	.027884335
87	.012808625	138	.020393271	189	.028034716
88	.012956800	139	.020542555	190	.028185118
89	.013104997	140	.020691862		
90	.013253216			191	.028335543
		141	.020841191	192	.028485990
91	.013401456	142	.020990541	193	.028636459
92	.013549718	143	.021139914	194	.028786950
93	.013698002	144	.021289308	195	.028937463
94	.013846307	145	.021438724		
95	.013994634			196	.029087998
		146	.021588162	197	.029238555
96	.014142983	147	.021737621	198	.029389134

199	.029539735	251	.037401426	302	.045170241
200	.029690358	252	.037553200	303	.045323151
		253	.037704995	304	.045476083
201	.029841003	254	.037856813	305	.045629037
202	.029991670	255	.038008653		
203	.030142359			306	.045782014
204	.030293071	256	.038160515	307	.045935014
205	.030443804	257	.038312399	308	.046088035
		258	.038464306	309	.046241080
206	.030594559	259	.038616234	310	.046394146
207	.030745337	260	.038768185		
208	.030896136			311	.046547235
209	.031046958	261	.038920158	312	.046700346
210	.031197801	262	.039072154	313	.046853480
		263	.039224172	314	.047006636
211	.031348667	264	.039376212	315	.047159815
212	.031499555	265	.039528274		
213	.031650464			316	.047313015
214	.031801396	266	.039680358	317	.047466239
215	.031952350	267	.039832465	318	.047619485
		268	.039984594	319	.047772753
216	.032103326	269	.040136745	320	.047926043
217	.032254324	270	.040288918		
218	.032405345			321	.048079356
219	.032556387	271	.040441114	322	.048232692
220	.032707451	272	.040593332	323	.048386050
		273	.040745572	324	.048539430
221	.032858538	274	.040897835	325	.048692833
222	.033009647	275	.041050119		
223	.033160777			326	.048846258
224	.033311930	276	.041202426	327	.048999706
225	.033463105	277	.041354756	328	.049153176
		278	.041507107	329	.049306668
226	.033614302	279	.041659481	330	.049460183
227	.033765521	280	.041811878		
228	.033916763			331	.049613721
229	.034068026	281	.041964296	332	.049767281
230	.034219312	282	.042116737	333	.049920863
		283	.042269200	334	.050074468
231	.034370619	284	.042421685	335	.050228095
232	.034521949	285	.042574193		
233	.034673301			336	.050381745
234	.034824675	286	.042726723	337	.050535417
235	.034976072	287	.042879276	338	.050689112
		288	.043031850	339	.050842829
236	.035127490	289	.043184447	340	.050996569
237	.035278931	290	.043337066		
238	.035430393			341	.051150331
239	.035581878	291	.043489708	342	.051304116
240	.035733385	292	.043642372	343	.051457923
		293	.043795058	344	.051611753
241	.035884914	294	.043947767	345	.051765605
242	.036036466	295	.044100498		
243	.036188039			346	.051919480
244	.036339635	296	.044253251	347	.052073377
245	.036491253	297	.044406027	348	.052227297
		298	.044558825	349	.052381239
246	.036642893	299	.044711645	350	.052535204
247	.036794555	300	.044864488		
248	.036946240			351	.052689191
249	.037097946	301	.045017353	352	.052843201
250	.037249675				

353	.052997234	363	.054538798
354	.053151289	364	.054693078
355	.053305366	365	.054847381
356	.053459466	366	.055001707
357	.053613589	367	.055156055
358	.053767734	368	.055310426
359	.053921901	369	.055464819
360	.054076092	370	.055619235
361	.054230304	371	.055773674
362	.054384540		

**Section 1231.—Property Used
in a Trade or Business and
Involuntary Conversions**

*26 CFR 1.1231-1: Gains and losses from the sale
or exchange of certain property used in the trade or
business.*

Is gain that is treated as long-term capital gain
under § 1231(a)(1) of the Code disqualified income
for purposes of the earned income credit. See Rev.
Rul. 98-56, page 5.

Part III. Administrative, Procedural, and Miscellaneous

Weighted Average Interest Rate Update

Notice 98-56

Notice 88-73 provides guidelines for determining the weighted average interest rate and the resulting permissible range of

interest rates used to calculate current liability for the purpose of the full funding limitation of § 412(c)(7) of the Internal Revenue Code as amended by the Omnibus Budget Reconciliation Act of 1987 and as further amended by the Uruguay Round Agreements Act, Pub. L. 103-465 (GATT).

The average yield on the 30-year Treasury Constant Maturities for November 1998 is 5.01 percent.

The following rates were determined for the plan years beginning in the month shown below.

Month	Year	Weighted Average	90% to 106% Permissible Range	90% to 110% Permissible Range
November	1998	6.34	5.71 to 6.72	5.71 to 6.98

Drafting Information

The principal author of this notice is Todd Newman of the Employee Plans Division. For further information regarding this notice, call (202) 622-6076 between 2:30 and 3:30 p.m. Eastern time (not a toll-free number). Mr. Newman's number is (202) 622-8458 (also not a toll-free number).

D.C. Enterprise Zone / Census Tracts

Notice 98-57

This notice identifies the census tracts in the District of Columbia (D.C. census tracts) constituting the District of Columbia Enterprise Zone for purposes of § 1400 of the Internal Revenue Code and the DC Zone for purposes of § 1400B. Those sections were added to the Code by the Taxpayer Relief Act of 1997, Pub. L. No. 105-34, 111 Stat. 788 (1997), effective August 5, 1997. This notice contains (1) tables that list the D.C. census tracts constituting the District of Columbia Enterprise Zone for purposes of § 1400 and the DC Zone for purposes of § 1400B, (2) a map of all of the D.C. census tracts, and (3) a source for obtaining the location of the boundary of each D.C. census tract.

BACKGROUND

Sections 1400 and 1400B designate certain economically depressed census tracts within the District of Columbia, within which businesses are eligible for special tax incentives.

Section 1400(a) provides that, except as otherwise provided in subchapter W, the District of Columbia Enterprise Zone shall be treated as an empowerment zone designated under subchapter U. The provisions of subchapter U include the designation and treatment of empowerment zones and enterprise communities. The special tax incentives that are available in the District of Columbia Enterprise Zone by reason of § 1400 include (1) a 20-percent wage credit for the first \$15,000 of certain qualified wages paid to D.C. residents who work in the District of Columbia Enterprise Zone; (2) an additional \$20,000 of expensing under § 179 for certain qualified zone property; and (3) special tax-exempt financing for certain zone facilities.

Section 1400(b) provides that for purposes of § 1400(a), the District of Columbia Enterprise Zone means the area consisting of (1) the D.C. census tracts that are part of an enterprise community designated under subchapter U before the date of enactment of subchapter W, and (2) all other D.C. census tracts for which the poverty rate is not less than 20 percent.

Section 1400B provides that gross income does not include qualified capital gain from the sale or exchange of any DC Zone asset held for more than 5 years. In general, a DC Zone asset means any DC Zone business stock, partnership interest, and business property. See § 1400B(b)(1).

Section 1400B(d) provides that for purposes of applying § 1400B (and for purposes of applying subchapter W and subchapter U with respect to § 1400B), the

DC Zone shall be treated as including all D.C. census tracts for which the poverty rate is not less than 10 percent.

IDENTIFICATION OF D.C. CENSUS TRACTS FOR PURPOSES OF SECTIONS 1400 AND 1400B

Table 1 identifies the D.C. census tracts that constitute the District of Columbia Enterprise Zone for purposes of § 1400. It lists all D.C. census tracts having a poverty rate of not less than 20 percent, which include the D.C. census tracts that are part of an enterprise community designated under subchapter U before enactment of subchapter W.

Table 2 identifies the D.C. census tracts that constitute the DC Zone for purposes of § 1400B. It lists all D.C. census tracts having a poverty rate of not less than 10 percent.

The map provided identifies the approximate locations of all of the D.C. census tracts and highlights those census tracts listed in the tables. This map and the information in the tables were developed by the U.S. Department of Housing and Urban Development using data from the 1990 Census.

Information on the boundaries of each D.C. census tract may be obtained from:

Data Management Division
 D.C. Office of Planning
 Government of the District of Columbia
 801 North Capitol Street, NE
 Washington, DC 20002
 Herbert Bixhorn, Director
 (202) 442-7603 (not a toll-free call)

TABLE 1. D.C. CENSUS TRACTS HAVING A POVERTY RATE OF NOT LESS THAN 20 PERCENT

2.01	57.01	74.30	91.02
2.02	58.00	75.02	92.40
28.01	59.00	75.03	96.02
28.02	60.20	75.04	97.00
30.00	62.02	77.03	98.03
31.00	64.10	77.08	98.04
34.00	71.00	78.04	98.05
35.00	72.00	78.08	98.06
36.00	73.02	78.60	98.10
37.00	73.04	79.01	98.20
43.00	73.08	84.02	99.03
45.00	74.01	86.00	99.04
47.00	74.04	88.02	99.05
48.01	74.06	88.03	99.07
49.01	74.07	88.04	
49.02	74.08	89.04	
50.00	74.09	90.01	

TABLE 2. D.C. CENSUS TRACTS HAVING A POVERTY RATE OF NOT LESS THAN 10 PERCENT

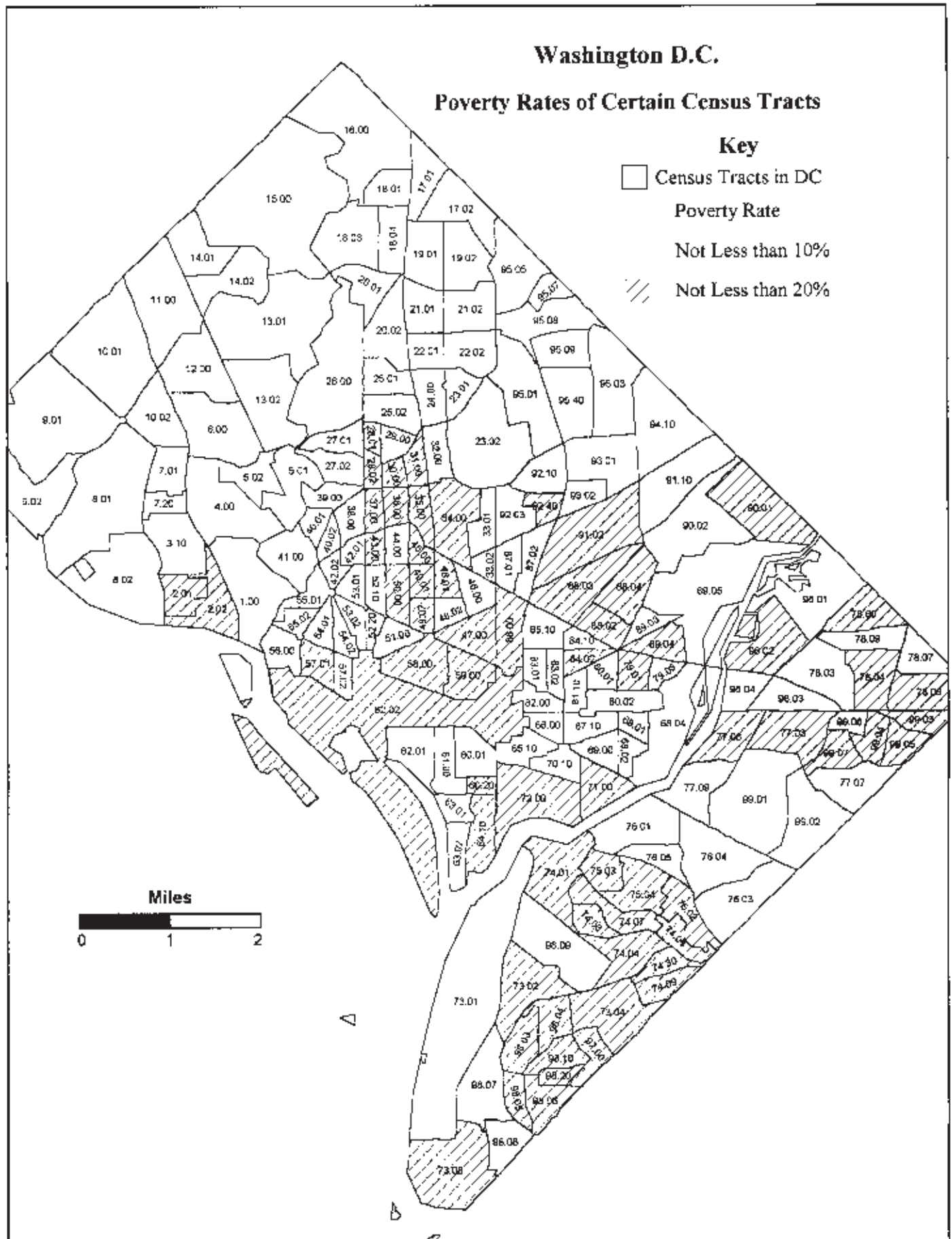
2.01	48.02	74.09	88.04
2.02	49.01	74.30	89.03
3.10	49.02	75.02	89.04
7.20	50.00	75.03	90.01
20.01	51.00	75.04	90.02
21.01	52.10	76.01	91.02
22.02	52.20	76.03	91.10
23.02	53.01	76.04	92.03
25.02	54.01	76.05	92.10
27.01	55.01	77.03	92.40
27.02	55.02	77.07	92.40
28.01	56.00	77.08	93.02
28.02	57.01	77.09	95.01
29.00	58.00	78.03	96.02
30.00	59.00	78.04	96.03
31.00	60.20	78.07	97.00
32.00	62.02	78.08	98.03
33.01	64.10	78.09	98.04
33.02	68.01	78.60	98.05
34.00	68.02	79.01	98.06
35.00	69.00	79.03	98.07
36.00	71.00	80.01	98.08
37.00	72.00	80.02	98.09
38.00	73.02	83.02	98.10
39.00	73.04	84.02	98.20
42.02	73.08	85.10	98.20
43.00	74.01	86.00	99.03
45.00	74.04	87.01	99.04
46.00	74.06	87.02	99.05
47.00	74.07	88.02	99.06
48.01	74.08	88.03	99.07

DRAFTING INFORMATION CONTACT

The principal author of this notice is

Winston H. Douglas of the Office of the Assistant Chief Counsel (Passthroughs and Special Industries). For further infor-

mation regarding this notice contact Mr. Douglas on (202) 622-3110 (not a toll-free call).



Part IV. Items of General Interest

Foundations Status of Certain Organizations

Announcement 98-103

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:

Alternative Financing Program Inc., Fort Lauderdale, FL
Alvin E. Gershen Apartments Inc., Pennington, NJ
Amador County Training Officers Association, Jackson, CA
Amateur Baseball Development, Riverside, CA
Ambassadors of Love International, Junction City, KS
Amber Resource & Development Inc., Washington, DC
Amberwood Inc., Ojai, CA
Ambler Arts Festival at Temple University, Spring House, PA
Ameinu Foundation of America Inc., New York, NY
American Foundation for Amelioration of Attention Deficit Disorders & Learning Disabilities, Ridgeton, MO
Amerasian Information Center Inc., Portland, OR
America for Children Inc., Lilburn, GA
America Part II Foundation, Washington, DC
American Aids Association, New York, NY
American Alliance for Better Schools Foundation, Washington, DC
American Amateur Indexed Golf Association, Stafford, TX

American Benevolent Association, Jay, OK
American Bosnia Relief Association, St. Louis, MO
American Business Consultants Association, Ellisville, MO
American Capital Foundation for the Homeless, Marina Del Rey, CA
American Charity Fund, Oak Brook, IL
American Childrens Theatre Academy Inc., Denver, CO
American Christian Youth Inc., Collingswood, NJ
American City Manufacturing Company, Baltimore, MD
American Community for Research and Education Inc., New York, NY
American Council of the Blind of Idaho Inc., Idaho Falls, ID
American Drug Free Promotions Group, Kent, WA
American Education Institute, Bigfork, MT
American Fiction Foundation, Costa Mesa, CA
American Foundation for Brewing History and Arts Inc., Ft. Mitchell, KY
American Foundation for Drug Prevention Inc., Hurst, TX
American Friends of the Seminary of Judaic Studies-Bet Midrash Inc., South Orange, NJ
American Friends of Agudath Athava Veahva, Brooklyn, NY
American Friends of Beit Orot Inc., Brooklyn, NY
American Friends of Kol Yehuda Inc., Deal, NJ
American Friends of the Lomonosov Foundation, Houston, TX
American Friends of United Yishuv Movement, Brooklyn, NY
American Friends of Yeshive Bais Shlomo, Bel Harbor, NY
American Indian Educational and Opportunity Fund Inc., Fort Worth, TX
American Indian Health Clinic, St. Paul, MN
American Indian Reliance Organization Inc., Saint Petersburg, FL
American Indian Womens Resource Center Inc., Denver, CO
American Islamic Community Development Foundation, Washington, DC

American Italian Heritage Foundation Inc., Osprey, FL
American Legion Baseball Association Inc., Mountain Home, AR
American Literacy Guild, Westchester, IL
American Master Chorale Inc., Madison, WI
American Mobile Medical Assistance, Cambridge, MA
American Museum for the Preservation of Historic Aircraft, Long Island City, NY
American Peace Watch Foundation Moshe Mirsky, New York, NY
American Relief Service Inc., Goshen, IN
American Religious Movement for Youth Inc., Benbrook, TX
American-Royal Thai Air Classics Association and Foundation, Houston, TX
American Society of Furniture Artists, Houston, TX
American Society of Payroll Management Foundation, New York, NY
American Task Force for Bosnia Inc., Washington, DC
American Telemedicine Association, Austin, TX
American Theatre of Harlem Inc., New York, NY
American Victory Mariners Memorial Museum Inc., Teaneck, NJ
American Youth Military Academy, Johnston, RI
Americans for Legal Reform Inc., Noblesville, IN
Americans of Italian Heritage Inc., Flushing, NY
Americans Stopping Child Abuse, Carlsbad, CA
Amidah Inc., Freeport, NY
Amigos International, Millersville, PA
Amurt-Stop Diabetes Inc., San Antonio, TX
Anderson County We Are Our Brothers Keeper Inc., Palestine, TX
Andover Recreational Development Association, Andover, MN
Anew Beginning in Texas Inc., Humble, TX
Angel Garden Inc., Kokiak, AK
Angel of Grace Foundation Inc., Memphis, TN
Angela Gaines Memorial Fund Inc., Parker, CO

Angelina County Youth Football Inc.,
 Lufkin, TX
 Animal Lifeline Inc., Fort Lauderdale, FL
 Animal Rescue & Adoption Services
 Inc., Ft. Smith, AR
 Animal Welfare League of Hilton Head
 Island, Hilton Head Island, SC
 Annalori Corp, Colorado Springs, CO
 Annapolis Baseball Club, Annapolis, MD
 Anti Vehicle Crime Association of
 Wisconsin Inc., Stevens Point, WI
 Antioch Christian Ministries Inc.,
 Glendale, AZ
 Apologetics for Faith Integrating Reason
 Ministries, Irvine, CA
 Appalachia Rescue Squad Inc.,
 Appalachia, VA
 Applied Rehabilitation Ministries Inc.,
 Phoenix, AZ
 Applied Research Institute for Social
 Equality Inc., Wayne, NJ
 Aqua-Sports Boating Education,
 Bellevue, WA
 Aragon Affordable Housing Inc., Irvine,
 CA
 Arcade Pregnancy Services Inc.,
 Yorkshire, NY
 Archangel Project Inc., South Darmouth,
 MA
 Archimedes Group Inc., New Haven, CT
 Arizona Aids Services of the Deaf Inc.,
 Phoenix, AZ
 Arizona Baseball Inc., Scottsdale, AZ
 Arizona Family Member Services
 Foundation, Scottsdale, AZ
 Arizona Foundation for Agricultural
 Education Inc., Phoenix, AZ
 Arizona Patenet Law Association,
 Phoenix, AZ
 Arizona Quail Preservation Society,
 Phoenix, AZ
 Arizona Realtors Affordable Housing
 Foundation Inc., Phoenix, AZ
 Arizona State Horsemens Foundation
 Inc., Phoenix, AZ
 Arizona Waste Exchange Inc., Tucson,
 AZ
 Arkansas Crime Prevention Association,
 Little Rock, AR
 Arkansas Cultural Complex Study Inc.,
 Little Rock, AR
 Arkansas Economic Corporation,
 Brinkley, AR
 Armstrong-Stafford Community Council
 Inc., Seagoville, TX
 Art Association of Madison County Inc.,
 Anderson, IN
 Art Factory Inc., Miami Springs, FL
 Art Trails Inc., Accord, NY
 Artists Relating Together & Exhibiting
 Inc., Dallas, TX
 Arts & Education Foundation of Alabama
 Inc., Birmingham, AL
 Arts Council of Gibson County Inc.,
 Princeton, IN
 Arts New Mexico Inc., Santa Fe, NM
 Arts over AIDS, St. Paul, MN
 Artserv Incorporated, Dallas, TX
 Ascorap Mission, Houston, TX
 Ashland Area Girls Fastpitch Promotions
 Inc., Ashland, OH
 ASI-Austin Texas Inc., St. Paul, MN
 Asia Evangelical Ministries, Des Plaines,
 IL
 Asia Pacific Policy Center Inc., NW,
 Washington, DC
 Asian Americans of Connecticut Inc., W.
 Hartford, CT
 Asian Missions Inc., Vancouver, WA
 Asian Pacific Womens Center Inc., Los
 Angeles, CA
 Asociacion Dominicana de la Florida
 Central Inc., Orlando, FL
 Asociacion Esperanza y Caridad Inc.,
 Miami, FL
 Assistance Association of Former
 Vietnamese Prisoners of War, Houston,
 TX
 Assistive Technologies Group, Dayton,
 OH
 Assistive Technology Users Group Inc.,
 Louisville, KY
 Association of Directors of Geriatric
 Academic Programs Inc., Cleveland,
 OH
 Association of Professionals in Risk-
 Related Disciplines, Seattle, WA
 Associated Resource Management
 Services, Norwich, CT
 Association for Surgical Education
 Foundation, Springfield, IL
 Association for the Honorable Order of
 Tennessee Colonels Inc., Jackson, TN
 Association of Black Secretaries,
 Oakland, CA
 Asthma Network of Plano, Plano, TX
 Astoria Community Service Inc., Astoria,
 NY
 Atascadero Recreation Center Committee
 Inc., Atascadero, CA
 Atchison Area Crime Stoppers Inc.,
 Atchison, KS
 Athletic International Inc., Dallas, TX
 Atlanta Braves Foundation Inc., Atlanta,
 GA
 Atlanta Chapter of Health Physics
 Society Inc., Doraville, GA
 Atlanta Clergy and Laity Concerned Inc.,
 Atlanta, GA
 Atlanta Home Missions Inc., Austell, GA
 Atlanta Housing Association of
 Neighborhood-Based Developers,
 Atlanta, GA
 Atlanta Lesbian and Gay History Inc.,
 Atlanta, GA
 Atlanta Takedown Association Inc.,
 Atlanta, GA
 Atlanta Youth Chorale, Atlanta, GA
 Attendant Services of Houston, Bellaire,
 TX
 Auburn Memorial Companies Inc.,
 Auburn, NY
 Auburn-Opelika Sports Corporation,
 Auburn, AL
 Audubon Area First Responders,
 Audubon, MN
 Augusta County Fair, Verona, VA
 Aurora Recreation Center, Aurora, IL
 Austin Labor Force Intermediary,
 Chicago, IL
 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 de-
 termination letter with the revised classi-
 fication as to foundation status. Grantors
 and contributors may thereafter rely upon
 such ruling or determination letter as pro-
 vided in section 1.509(a)-7 of the Income
 Tax Regulations. It is not the practice of
 the Service to announce such revised clas-
 sification of foundation status in the Inter-
 nal Revenue Bulletin.

Announcement 98-104

This announcement corrects several er-
 rors made in Rev. Proc. 98-35, 1998-21
 I.R.B. 6, reprinted as Publication 1220,
 which describes the specifications for fil-
 ing Forms 1098, 1099, 5498, and W-2G
 Magnetically or Electronically.

A. The IRA/SEP/SIMPLE Indicator for
 Form 1099-R found in Field Position 548
 of the Payee "B" Record may be used in
 certain cases with Distribution Codes G
 and H (which are reported in Field Posi-
 tions 545 or 546). Distribution Code G
 may be used with the IRA/SEP/SIMPLE
 Indicator for Tax Year 1998 when contri-
 butions to a First IRA are recharacterized

as contributions to a Second IRA. Distribution Code H may be used when a distribution from a conduit IRA is payable to the trustee or is transferred to an employer plan. To incorporate this information, the following changes should be made to Publication 1220: (1) **In Part A, Section 19, Items 13 and 14 should be deleted.** (2) **In Part B, Section 10(14), Field Positions 545-546, the item reading, “** Distribution Codes G and H cannot be used in combination with the IRA/SEP/SIMPLE Indicator in Field Position 548,” should be deleted.** (3) **Part B, Section 10(14), Field Position 548, should read, “Enter “1” if the IRA/SEP/SIMPLE Indicator applies. . .”. The bold statement should read, “Do not use the indicator for an Education IRA”. The words “Roth IRA or” should be deleted.**

B. Announcement 98-72, 1998-31 I.R.B. 14, was released erroneously by IRS/Martinsburg Computing Center regarding the Form 5498 and Form 5498-MSA due dates, which in turn impacted the information contained in Publication 1220. However, this information may appear correctly in some versions of this publication, specifically those downloaded from various bulletin boards and web sites. To clarify this misstatement and any other misinformation that may be circulating, that may be circulating, the due dates for Form 5498 and Form 5498-MSA should read as follows:

Participant Copy – June 1, 1999*
IRS Copy – June 1, 1999*

*This is due to the actual due date falling on the Memorial Day Holiday (May 31, 1999).

C. In Part A, Section 13, a portion of the Guidelines for Filing Corrected Returns Magnetically/Electronically was left out. Under Error Made on the Original Return #2, step F for filing the corrected return should read, “Corrected returns submitted to IRS/MCC using “G” coded “B” Records may be on the same file as those returns submitted without the “G” code; however, separate “A” Records are required.”

D. In Part A, Section 16, Combined Federal State Filing Program, the state of Minnesota and the corresponding code of 27 were dropped from the program in error. Table 1. Participating States and Their Codes, and Table 2. Dollar Criteria For State Reporting should include the following information:

Table 1. Participating States and Their Codes

State	Code	State	Code	State	Code
Alabama	01	Indiana	18	Montana	30
Arizona	04	Iowa	19	New Jersey	34
Arkansas	05	Kansas	20	New Mexico	35
California	06	Maine	23	North Dakota	38
Delaware	10	Massachusetts	25	Oregon	41
District of Columbia	11	Minnesota	27	South Carolina	45
Georgia	13	Mississippi	28	Tennessee	47
Hawaii	15	Missouri	29	Wisconsin	55
Idaho	16				

Table 2. Dollar Criteria for State Reporting

State	1099-DIV	1099-G	1099-INT	1099-MISC	1099-OID	1099-PATR	1099-R	5498
Alabama	\$1500	\$ NR	\$1500	\$1500	\$1500	\$1500	\$1500	NR
Arkansas	100	2500	100	2500	2500	2500	2500	^a
District of Columbia ^b	600	600	600	600	600	600	600	NR
Hawaii	10	^a	10	600	10	10	600	^a
Idaho	NR	NR	NR	600	NR	NR	^a	^a
Iowa	10	10	10	600	10	10	10	^a
Minnesota	10	10	10	600	10	10	600	^a
Mississippi	600	600	600	600	600	600	600	NR
Missouri	NR	NR	NR	1200 ^c	NR	NR	NR	NR
Montana	10	10	10	600	10	10	600	^a
New Jersey	1000	1000	1000	1000	1000	1000	1000	NR
Tennessee	100	NR	100	NR	NR	NR	NR	NR
Wisconsin	NR	NR	NR	600	NR	NR	600	NR

The preceding list is for information purposes only. The state filing requirements are subject to change by the states. For complete information on state filing requirements, contact the appropriate state tax agencies.

Filing requirements for states in Table 1 not shown in Table 2 are the same as the federal requirement.

NR = No filing requirement.

Footnotes:

- a. All amounts are to be reported.
- b. Amounts are for aggregates of several types of income from the same payer.
- c. Missouri would prefer those returns filed with respect to non-Missouri residents to be sent directly to its state agency.

E. Part B, Section 4.08(b) incorrectly states the acceptable sizes of Quarter Inch Cartridges(QIC). **Quarter Inch Cartridges with a size of QIC-11 or QIC-1350 are not acceptable.**

F. Part B, Section 5.01(b)(2), incorrectly stated the save command for 5¼" diskettes recorded using EBCDIC on an AS400 system. The correct statement should read, "The save command for AS400 is SAVS36F."

G. In Part B, Section 6, Field Positions 296-303 of the Transmitter "T" Record, listing the Total Number of Payees, is identified as a required field. IRS/MCC encourages filers to complete the information as requested; however, filers are

not required to report this information for Tax Year 1998. The location of the Total Number of Payees field will be revisited for Tax Year 1999 filing.

H. In Part B, Section 8, information in Field Positions 28-39 of the Payer "A" Record, describing Amount Code 1 for the Form 5498, was listed incorrectly. The correct information is as follows:

<i>Amount Code</i>	<i>Amount Type</i>
1	IRA contributions (other than amounts in Amount Codes 2, 3, 7, 8, 9 and A)

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.
FPFH—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 1998–1 through 1998–28 will be found in Internal Revenue Bulletin 1998–29, dated July 20, 1998.

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