Internal Revenue

Bulletin No. 2000-13 March 27, 2000



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. 2000-17, page 842.

Insurance companies; interest rate tables. Prevailing state assumed interest rates are provided for the determination of reserves under section 807 of the Code for contracts issued in 1999 and 2000. Rev. Rul. 92-19 supplemented.

EMPLOYEE PLANS

Notice 2000-18, page 845.

Weighted average interest rate update. The weighted average interest rate for March 2000 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.

Announcement 2000-17, page 846.

This announcement corrects certain errors in Rev. Proc. 2000–16 (2000–6 I.R.B. 518), relating to Employee Plans Compliance Resolution System.

ADMINISTRATIVE

Notice 2000-19, page 845.

Signatures; **interim waiver for Form SS-4**. This notice informs taxpayers that the Service is temporarily waiving the signature requirement for Form SS-4, *Application for Employer Identification Number*, as authorized by section 6061 of the Code.

Announcement 2000-18, page 846.

This announcement corrects certain errors in TD 8852 (2000–2 I.R.B. 253), relating to the passthrough of items of an S corporation to its shareholders, the adjustments to the basis of stocks of the shareholders, and the treatment of distributions by the S corporation.

Finding Lists begin on page ii.



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

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 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.

This part includes notices of proposed rulemakings, disbarment and suspension lists, and announcements.

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.

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March 27, 2000 2000–13 I.R.B.

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

Section 807.—Rules for Certain Reserves

Insurance companies; interest rate tables. Prevailing state assumed interest rates are provided for the determination of reserves under section 807 of the Code for contracts issued in 1999 and 2000. Rev. Rul. 92–19 supplemented.

Rev. Rul. 2000-17

For purposes of section 807(d)(4) of the Internal Revenue Code, for taxable years beginning after December 31, 1998, this ruling supplements the schedules of prevailing state assumed interest rates set forth in Rev. Rul. 92-19, 1992-1 C.B. 227. This information is to be used by insur-

ance companies in computing their reserves for (1) life insurance and supplementary total and permanent disability benefits, (2) individual annuities and pure endowments, and (3) group annuities and pure endowments. As § 807(d)(2)(B) requires that the interest rate used to compute these reserves be the greater of (1) the applicable federal interest rate, or (2) the prevailing state assumed interest rate, the table of applicable federal interest rates in Rev. Rul. 92-19 is also supplemented.

Following are supplements to schedules A, B, C, and D to Part III of Rev. Rul. 92-19, providing prevailing state assumed interest rates for insurance products with different features issued in 1999 and 2000, and a supplement to the table in

Part IV of Rev. Rul. 92-19, providing the applicable federal interest rate under § 807(d) for 1999 and 2000. This ruling does not supplement Parts I and II of Rev. Rul. 92-19.

This is the eighth supplement to the interest rates provided in Rev. Rul. 92-19. Earlier supplements were published in Rev. Rul. 93-58, 1993-2 C.B. 241 (interest rates for insurance products issued in 1992 and 1993), Rev. Rul. 94-11, 1994-1 C.B. 196 (1993 and 1994), Rev. Rul. 95-4, 1995-1 C.B. 141 (1994 and 1995), Rev. Rul. 96-2, 1996-1 C.B. 141 (1995 and 1996), Rev. Rul. 97-2, 1997-1 C.B. 8 (1996 and 1997), Rev. Rul. 98-2, 1998-2 I.R.B. 15 (1997 and 1998), and Rev. Rul. 99-10, 1999-10 I.R.B. 10 (1998 and 1999).

Part III. Prevailing State Assumed Interest Rates — Products Issued in Years After 1982.*

Schedule A

STATUTORY VALUATION INTEREST RATES BASED ON THE 1980 AMENDMENTS TO THE NAIC STANDARD VALUATION LAW

A. Life insurance valuation:

Guarantee Duration (years)	Calendar Year of Issue 2000
10 or fewer	5.00**
More than 10 but not more than 20	4.75**
More than 20	4.50**

Source: Rates calculated from the monthly averages, ending June 30, 1999, of Moody's Corporate Bond Yield Average — Monthly Average Corporates.

Part III, Schedule B

STATUTORY VALUATION INTEREST RATES BASED ON THE 1980 AMENDMENTS TO THE NAIC STANDARD VALUATION LAW

B. Single premium immediate annuities and annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options:

Calendar Year of Issue

Valuation Interest Rate

1999

6.25

Source: Rates calculated from the monthly averages, ending June 30, 1999, of Moody's Corporate Bond Yield Average — Monthly Average Corporates. The terms used in this schedule are those used in the Standard Valuation Law as defined in Rev. Rul. 92-19.

^{*} The terms used in the schedules in this ruling and in Part III of Rev. Rul. 92-19 are those used in the Standard Valuation Law; the terms are defined in Rev. Rul. 92-19.

^{**} As the applicable federal interest rate for 2000 of 6.09 percent exceeds this prevailing state assumed interest rate, the interest rate to be used for this product under § 807 is 6.09 percent.

^{*}As this prevailing state assumed interest does not exceed the applicable federal interest rate for 1999 of 6.30 percent, the applicable federal interest rate of 6.30 percent is to be used for this product under § 807.

Part III, Schedule C17 - 1999

STATUTORY VALUATION INTEREST RATES BASED ON NAIC STANDARD VALUATION LAW FOR **1999** CALENDAR YEAR BUSINESS GOVERNED BY THE 1980 AMENDMENTS

C. Valuation interest rates for other annuities and guaranteed interest contracts that are valued on an issue year basis:

Cash Future Settlement Interest		Guarantee Duration	Valuation Interest Rate For Plan Type		
Options?	Guarantee?	(years)	A	В	C
Yes	Yes	5 or fewer	6.25*	5.50*	5.00*
	More than 5, but not more than 10	6.00*	5.50*	5.00*	
		More than 10, but not more than 20	5.50*	5.00*	4.75*
		More than 20	4.75*	4.50*	4.50*
Yes	Yes No	5 or fewer	6.25	5.50*	5.25*
	More than 5, but not more than 10	6.25*	5.50*	5.25*	
	More than 10, but not more than 20	5.75*	5.25*	5.00*	
	More than 20	5.00*	4.50*	4.50*	
No Yes or No	5 or fewer	6.25*			
	More than 5, but not	6.00*			
		more than 10		NOT A	APPLICABL
	More than 10, but not more than 20	5.50*			
		More than 20	4.75*		

Source: Rates calculated from the monthly averages, ending June 30, 1999 of Moody's Corporate Bond Yield Average — Monthly Average Corporates.

Part III, Schedule D17 - 1999

STATUTORY VALUATION INTEREST RATES BASED ON NAIC STANDARD VALUATION LAW FOR **1999** CALENDAR YEAR BUSINESS GOVERNED BY THE 1980 AMENDMENTS

D. Valuation interest rates for other annuities and guaranteed interest contracts that are contracts with cash settlement options and that are valued on a change in fund basis:

Cash	Future		Valuation Interest Rate		
Settlement	Interest	Guarantee Duration For		Plan Type	
Options?	Guarantee?	(years)	A	В	C
Yes	Yes	5 or fewer	6.75	6.25*	5.25*
		More than 5, but not more than 10	6.50	6.25*	5.25*
		More than 10, but not more than 20	6.25*	6.00*	5.00*
		More than 20	5.50*	5.50*	4.50*
Yes	No	5 or fewer	7.00	6.50	5.50*
		More than 5, but not more than 10	6.75	6.50	5.50*
		More than 10, but not more than 20	6.25*	6.25*	5.25*
		More than 20	5.50*	5.50*	4.75*

Source: Rates calculated from the monthly averages, ending June 30, 1999, of Moody's Corporate Bond Yield Average — Monthly Average Corporates.

^{*}As the applicable federal interest rate for 1999 of 6.30 percent exceeds this prevailing state assumed interest rate, the interest rate to be used for this product under § 807 is 6.30 percent.

^{*}As the applicable federal interest rate for 1999 of 6.30 percent exceeds this prevailing state assumed interest rate, the interest rate to be used for this product under § 807 is 6.30 percent.

Part IV. Applicable Federal Interest Rates.

TABLE OF APPLICABLE FEDERAL INTEREST RATES FOR PURPOSES OF § 807

Year	Interest Rate
1999	6.30
2000	6.09

Sources: Rev. Rul. 98-57, 1998-49 I.R.B. 4 for the 1999 rate and Rev. Rul. 99-48, 1999-49 I.R.B. 600 for the 2000 rate.

EFFECT ON OTHER REVENUE RULINGS

Rev. Rul. 92-19 is supplemented by the addition to Part III of that ruling of prevailing state assumed interest rates under § 807 for certain insurance products issued in 1999 and 2000 and is further supplemented by an addition to the table in Part IV of Rev. Rul. 92-19 listing applicable federal interest rates. Parts I and II of Rev. Rul. 92-19 are not affected by this ruling.

DRAFTING INFORMATION

The principal author of this revenue ruling is Ann H. Logan of the Office of Assistant Chief Counsel (Financial Institutions and Products). For further information regarding this revenue ruling contact her on (202) 622-3970 (not a toll-free call).

Section 6109.—Identifying Numbers

26 CFR 301.6109-1: Identifying numbers.

The Service is temporarily waiving the signature requirement for Form SS-4, *Application for Employer Identification Number*, as authorized by § 6061 of the Code, while the Service explores methods of filing the form other than on paper (such as magnetic media and electronic filing). See Notice 2000–19, page 845.

March 27, 2000 844 2000–13 I.R.B.

Part III. Administrative, Procedural, and Miscellaneous

Weighted Average Interest Rate Update

Notice 2000-18

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 February 2000 is 6.23 percent.

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

Month	Year	Weighted Average	90% to 105% Permissible Range	90% to 110% Permissible Range	
March	2000	6.04	5.44 to 6.34	5.44 to 6.64	

Drafting Information

The principal author of this notice is Todd Newman of the Employee Plans, Tax Exempt and Government Entities Division. For further information regarding this notice, call the Employee Plans Actuarial hotline, (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).

Interim Waiver of Signature Requirement for Form SS-4

Notice 2000-19

PURPOSE

This notice informs taxpayers that the Internal Revenue Service is temporarily waiving the signature requirement for Form SS-4, Application for Employer Identification Number, as authorized by § 6061(b)(1)(A) of the Internal Revenue Code.

BACKGROUND

Section 6061(a) generally provides that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations must be signed in accordance with forms or regulations prescribed by the Secretary of the Treasury.

Section 6061(b)(1) requires the Secretary to develop procedures for accepting signatures in digital or other electronic

form. Until such time as these procedures are in place, § 6061(b)(1)(A) authorizes the Secretary to waive the requirement of a signature for a particular type or class of return, declaration, statement, or other document required or permitted to be made under the Code.

Section 6061(b)(3) requires that the Secretary define and implement any waiver of the signature requirements through appropriate published guidance.

Section 6109(a) provides, in part, that when required by regulations, any person required to make a return, statement, or other document must include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

Section 301.6109-1(a)(1)(ii)(C) of the Regulations on Procedure and Administration provides that any person other than an individual (such as a corporation, partnership, nonprofit association, trust, estate, or similar nonindividual person) that is required to furnish a taxpayer identifying number must use an employer identification number (EIN).

Section 301.6109-1(d)(2)(i) provides that any person required to furnish an EIN must apply for one on Form SS-4. The form, together with any supplementary statement, must be prepared and filed in accordance with the form, accompanying instructions, and relevant regulations, and must set forth fully and clearly the requested data. Form SS-4 requires the applicant to sign the form and verify by a written declaration that it is made under penalties of perjury.

REASONS FOR SIGNATURE WAIVER FOR FORM SS-4

The Service is exploring methods of filing Form SS-4 other than on paper, such as magnetic media and other electronic means. As these alternative methods of filing Form SS-4 evolve, the Service intends to provide procedures for accepting signatures in digital or other electronic form. Until such time as these procedures are in place, the Service is waiving the requirement under § 6061(a) that taxpayers sign Form SS-4. This waiver applies to Forms SS-4 currently filed on paper, as well as to Forms SS-4 that eventually may be filed through electronic means. However, because this waiver is only temporary, the Service does not intend to remove the signature line from the paper version of Form SS-4.

EFFECTIVE DATE

This Notice is effective for Forms SS-4 filed on or after March 13, 2000.

DRAFTING INFORMATION

The principal author of this notice is Andrew J. Keyso of the Office of the Assistant Chief Counsel (Income Tax and Accounting). For further information regarding this notice contact Mr. Keyso at (202) 622-4910 (not a toll-free call).

Part IV. Items of General Interest

Corrections to Rev. Proc. 2000-16

Announcement 2000-17

As published, section 13.06(3) and the table in section 13.06(5) of Rev. Proc. 2000-16, (2000-6 I.R.B. 518), contain errors. The references in those provisions of the revenue procedure should be to section 6.02(4)(b)(ii) of Rev. Proc. 2000-16 instead of section 6.02(4)(b)(i) of Rev. Proc. 2000-16.

Passthrough of Items of an S Corporation to its Shareholders; Correction

Announcement 2000-18

AGENCY:Internal Revenue Service (IRS), Treasury.

ACTION:Correction to final regulations.

SUMMARY:This document contains corrections to T.D. 8852 (2000-2 I.R.B. 253) which were published in the **Federal Register** on Wednesday, December 22, 1999 (64 FR 71641), relating to the passthrough of items of an S corporation to its share-

holders, the adjustments to the basis of stock of the shareholders, and the treatment of distributions by an S corporation.

DATES: This correction is effective December 22, 1999.

FOR FURTHER INFORMATION CONTACT: Martin Schaffer, Deane Burke, or David Shulman at (202) 622-3070, or Brenda Stewart at (202) 622-3120 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are subject to these corrections are under sections 1366, 1367, and 1368 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 8852) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8852), which were the subject of FR Doc. 99-32697, is corrected as follows:

§1.1366-4 [Corrected]

1. On page 71648, column 3, §1.1366-4(c), third line from the bottom of the paragraph, the language, "the amount of the tax as the amount of" is corrected to read "the amount of the tax as the net amount of".

§1.1367-1 [Corrected]

2. On page 71649, column 2, §1.1367-1(h) *Example 5*. (i), lines 7 through 11, the language, "section 1377(a)(2)(B) and §1.1377-1(b)(2), B and C are affected shareholders because B has transferred shares to Corporation S. Pursuant to section 1377(a)(2)(A) and §1.1377-1(b)(1), B and C, the affected" is corrected to read "section 1377(a)(2)(B) and §1.1377-1(b)(2), B, C, and D are affected shareholders because B has transferred shares to Corporations S and D. Pursuant to section 1377(a)(2)(A) and §1.1377-1(b)(1), B, C, and D, the affected".

Dale D. Goode, Federal Register Liaison Assistant Chief Counsel (Corporate).

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 Procedral Rules.

Stat.—Statutes at Large.

T—Target Corporation.

T.C.—Tax Court.

T.D.—Treasury Decision.

TFE-Transferee.

TFR—Transferor.

T.I.R.—Technical Information Release.

TP—Taxpayer.

TR—Trust.

TT—Trustee.

U.S.C.—United States Code.

X—Corporation.

Y—Corporation.

Z—Corporation.

Numerical Finding List¹

Bulletins 2000-1 through 2000-12

Announcements:

2000-1, 2000-2 I.R.B. 294 2000-2, 2000-2 I.R.B. 295 2000-3, 2000-2 I.R.B. 296 2000-4, 2000-3 I.R.B. 317 2000-5, 2000-4 I.R.B. 427 2000-6, 2000-4 I.R.B. 428 2000-7, 2000-6 I.R.B. 586 2000-8, 2000-6 I.R.B. 586 2000–9, 2000–9 I.R.B. 733 2000-10, 2000-9 I.R.B. 733 2000-11, 2000-10 I.R.B. 739 2000-12, 2000-12 I.R.B. 835 2000-13, 2000-11 I.R.B. 771 2000-14, 2000-11 I.R.B. 772 2000-15, 2000-12 I.R.B. 837 2000-16, 2000-12 I.R.B. 837

Notices:

2000-1, 2000-2 I.R.B. 288 2000-2, 2000-9 I.R.B. 727 2000-3, 2000-4 I.R.B. 413 2000-4, 2000-3 I.R.B. 313 2000-5, 2000-3 I.R.B. 314 2000-6, 2000-3 I.R.B. 315 2000-7, 2000-4 I.R.B. 419 2000-8, 2000-4 I.R.B. 420 2000-9, 2000-5 I.R.B. 449 2000-10, 2000-5 I.R.B. 451 2000-11, 2000-6 I.R.B. 572 2000-12, 2000-9 I.R.B. 727 2000-13, 2000-9 I.R.B. 732 2000-14, 2000-10 I.R.B. 737 2000-15, 2000-12 I.R.B. 826 2000-16, 2000-12 I.R.B. 826 2000-17, 2000-12 I.R.B. 827

Proposed Regulations:

REG-208280-86, 2000-8 I.R.B. 654 REG-209135-88, 2000-8 I.R.B. 681 REG-208254-90, 2000-6 I.R.B. 577 REG-209601-92, 2000-12 I.R.B. 829 REG-100276-97, 2000-8 I.R.B. 682 REG-101492-98, 2000-3 I.R.B. 326 REG-106012-98, 2000-2 I.R.B. 290 REG-110311-98, 2000-11 I.R.B. 767 REG-103831-99, 2000-5 I.R.B. 452 REG-103882-99, 2000-8 I.R.B. 706 REG-105089-99, 2000-6 I.R.B. 580 REG-105279-99, 2000-8 I.R.B. 707 REG-105606-99, 2000-4 I.R.B. 421 REG-111119-99, 2000-5 I.R.B. 455 REG-113572-99, 2000-7 I.R.B. 624 REG-116048-99, 2000-6 I.R.B. 584 REG-116567-99, 2000-5 I.R.B. 463 REG-116704-99, 2000-3 I.R.B. 325 REG-100163-00, 2000-7 I.R.B. 633 REG-103735-00, 2000-11 I.R.B. 770 REG-103736-00, 2000-11 I.R.B. 768

Railroad Retirement Quarterly Rate:

2000–9, I.R.B. 721

Revenue Procedures:

2000-1, 2000-1 I.R.B. 4 2000-2, 2000-1 I.R.B. 73 2000-3, 2000-1 I.R.B. 103 2000-4, 2000-1 I.R.B. 115 2000-5, 2000-1 I.R.B. 158 2000-6, 2000-1 I.R.B. 187 2000-7, 2000-1 I.R.B. 227 2000-8, 2000-1 I.R.B. 230 2000-9, 2000-2 I.R.B. 280 2000-10, 2000-2 I.R.B. 287 2000-11, 2000-3 I.R.B. 309 2000-12, 2000-4 I.R.B. 387 2000-13, 2000-6 I.R.B. 515 2000-15, 2000-5 I.R.B. 447 2000–16, 2000–6 I.R.B. *518* 2000-17, 2000-11 I.R.B. 766 2000-18, 2000-9 I.R.B. 722 2000-19, 2000-12 I.R.B. 785 2000-20, 2000-6 I.R.B. 553

Revenue Rulings:

2000-1, 2000-2 I.R.B. 250 2000-2, 2000-3 I.R.B. 305 2000-3, 2000-3 I.R.B. 297 2000-4, 2000-4 I.R.B. 331 2000-5, 2000-5 I.R.B. 436 2000-6, 2000-6 I.R.B. 512 2000-7, 2000-9 I.R.B. 712 2000-8, 2000-7 I.R.B. 617 2000-9, 2000-6 I.R.B. 497 2000-10, 2000-8 I.R.B. 643 2000-11, 2000-10 I.R.B. 734 2000-12, 2000-11 I.R.B. 744 2000-13, 2000-12 I.R.B. 774 2000-14, 2000-12 I.R.B. 779 2000-15, 2000-12 I.R.B. 774 2000-16, 2000-12 I.R.B. 780

Treasury Decisions:

8849, 2000-2 I.R.B. 245 8850, 2000-2 I.R.B. 265 8851, 2000-2 I.R.B. 275 8852, 2000-2 I.R.B. 253 8853, 2000-4 I.R.B. 377 8854, 2000-3 I.R.B. 306 8855, 2000-4 I.R.B. 374 8856, 2000-3 I.R.B. 298 8857, 2000-4 I.R.B. 365 8858, 2000-4 I.R.B. 332 8859, 2000-5 I.R.B. 429 8860, 2000-5 I.R.B. 437 8861, 2000-5 I.R.B. 441 8862, 2000-6 I.R.B. 466 8863, 2000-6 I.R.B. 488 8864, 2000-7 I.R.B. 614 8865, 2000-7 I.R.B. 589 8866, 2000-6 I.R.B. 495 8867, 2000-7 I.R.B. 620 8868, 2000-6 I.R.B. 491 8869, 2000-6 I.R.B. 498 8870, 2000-8 I.R.B. 647 8871, 2000-8 I.R.B. 641 8872, 2000-8 I.R.B. 639 8873, 2000-9 I.R.B. 713

8874, 2000-8 I.R.B. 644

Treasury Decisions—continued:

8875, 2000–11 I.R.B. *761* 8876, 2000–11 I.R.B. *753* 8877, 2000–11 I.R.B. *747*

¹ A cumulative list of all revenue rulings, revenue procedures, Treasury decisions, etc., published in Internal Revenue Bulletins 1999–27 through 1999–52 is in Internal Revenue Bulletin 2000–1, dated January 3, 2000.

Finding List of Current Actions on Previously Published Items¹

Bulletins 2000-1 through 2000-12

Announcements:

99-50

Modified by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

Notices:

88-125

Obsoleted by

T.D. 8870, 2000-8 I.R.B. 647

92–48

Obsoleted by

Notice 2000-11, 2000-6 I.R.B. 572

97-19

Modified by

Rev. Proc. 2000-1, 2000-1 I.R.B. 4

98-22

Obsoleted by

T.D. 8870, 2000-8 I.R.B. 647

98-52

Modified by

Notice 2000-3, 2000-4 I.R.B. 413

98-61

Modified and superseded by

Rev. Proc. 2000-15, 2000-5 I.R.B. 447

99-8

Obsoleted by

Rev. Proc. 2000-12, 2000-4 I.R.B. 387

Revenue Procedures:

80-18

Modified by

Rev. Proc. 2000-13, 2000-6 I.R.B. 515

89-9

Superseded by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

89-13

Superseded by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

90-21

Superseded by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

91-66

Superseded by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

92-13

Modified, amplified, and superseded by Rev. Proc. 2000–11, 2000–3 I.R.B. 309

92-13A

Modified, amplified, and superseded by Rev. Proc. 2000–11, 2000–3 I.R.B. 309

Superseded by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

93-9

Superseded by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

Revenue Procedures—Continued:

93_10

Superseded by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

94 - 12

Modified, amplified, and superseded by Rev. Proc. 2000–11, 2000–3 I.R.B. 309

95 - 42

Superseded by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

96-13

Modified by

Rev. Proc. 2000-1, 2000-1 I.R.B. 4

98-22

Modified and superseded by

Rev. Proc. 2000-16, 2000-6 I.R.B. 518

98-27

Superseded by

Rev. Proc. 2000-12, 2000-4 I.R.B. 387

98-64

Superseded by

Rev. Proc. 2000–9, 2000–2 I.R.B. 280

98-65

Superseded by

Rev. Proc. 2000–19, 2000–12 I.R.B. 785

99_1

Superseded by

Rev. Proc. 2000–1, 2000–1 I.R.B. 4

99-2

Superseded by

Rev. Proc. 2000–2, 2000–1 I.R.B. 73

00. 1

Superseded by

Rev. Proc. 2000-3, 2000-1 I.R.B. 103

99-4

Superseded by

Rev. Proc. 2000-4, 2000-1 I.R.B. 115

99-5

Superseded by

Rev. Proc. 2000-5, 2000-1 I.R.B. 158

99-6

Superseded by

Rev. Proc. 2000–6, 2000–1 I.R.B. 187

99-7

Superseded by

Rev. Proc. 2000-7, 2000-1 I.R.B. 227

99-8

Superseded by

Rev. Proc. 2000-8, 2000-1 I.R.B. 230

99_1

Modified and superseded by

Rev. Proc. 2000–16, 2000–6 I.R.B. *518*

99_3

Modified and superseded by

Rev. Proc. 2000–16, 2000–6 I.R.B. *518*

99_49

Modified and amplified by

Rev. Rul. 2000–4, 2000–4 I.R.B. *331* Rev. Rul. 2000–7, 2000–9 I.R.B. *712*

Notice 2000–4, 2000–3 I.R.B. 313

Revenue Procedures—Continued:

99-51

Superseded by

Rev. Proc. 2000-3, 2000-1 I.R.B. 103

2000-6

Modified by

Rev. Proc. 2000-20, 2000-6 I.R.B. 553

2000-8

Modified by

Rev. Proc. 2000–16, 2000–6 I.R.B. *518* Rev. Proc. 2000–20, 2000–6 I.R.B. *553*

Revenue Rulings:

88-36

Modified by

Rev. Proc. 2000-6, 2000-6 I.R.B. 512

98-30

Amplified and superseded by

Rev. Rul. 2000–8, 2000–7, I.R.B. 617

Treasury Decisions:

8734

Modified by

T.D. 8856, 2000–3, I.R.B. 298

8804

Modified by

T.D. 8856, 2000–3, I.R.B. 298

8847

Corrected by

Announcement 2000–13, 2000–11 I.R.B. 771

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