



# Federal Register

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**Thursday,  
November 30, 2000**

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**Part XV**

**Department of the  
Treasury**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF THE TREASURY (TREAS)**

**DEPARTMENT OF THE TREASURY**

**31 CFR Subtitle A, Chs. I and II**

**Semiannual Agenda and Fiscal Year 2001 Regulatory Plan**

**AGENCY:** Department of the Treasury.

**ACTION:** Semiannual regulatory agenda and fiscal year 2001 regulatory plan.

**SUMMARY:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866 ("Regulatory

Planning and Review," September 30, 1993), which require the publication by the Department of a semiannual agenda of regulations. E.O. 12866 also requires the publication by the Department of a regulatory plan for fiscal year 2001.

**FOR FURTHER INFORMATION CONTACT:** For additional information about a specific entry in the agenda or plan, contact the "Agency Contact" identified in the agenda item relating to that regulation.

**SUPPLEMENTARY INFORMATION:** The semiannual agenda of the Department of the Treasury conforms to the **Unified Agenda** format developed by the

Regulatory Information Service Center (RISC). For this edition of the Department of the Treasury's regulatory agenda, several regulatory actions are included in **The Regulatory Plan**, which appears in part II of this issue of the **Federal Register**. **The Regulatory Plan** entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

**Dated:** September 13, 2000.

**Richard S. Carro,**  
*Associate General Counsel.*

**Departmental Offices—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
2850	31 CFR ch II Possible Regulation of Access to Accounts at Financial Institutions Through Payment Service Providers .....	1505-AA74
2851	17 CFR 450 Amendments to the Government Securities Act Regulations .....	1505-AA82

**Departmental Offices—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
2852	12 CFR 1501 Comparable Requirement for National Banks Among the Second Fifty Largest Insured National Banks .....	1505-AA77
2853	12 CFR 1500 Merchant Banking .....	1505-AA78
2854	Financial Activities of Financial Subsidiaries .....	1505-AA80
2855	Financial Subsidiaries .....	1505-AA81

**Departmental Offices—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
2856	12 CFR 1510 Resolution Funding Corporation Operations .....	1505-AA79

**Departmental Offices—Completed Actions**

Sequence Number	Title	Regulation Identification Number
2857	31 CFR 1 Disclosure of Records: Freedom of Information Act .....	1505-AA76
2858	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance; Final Common Rule .....	1505-AA83

**Financial Crimes Enforcement Network—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
2859	31 CFR 103 Amendments to the Bank Secrecy Act Regulations—Suspicious Activity Reporting—Broker/Dealers ..	1506-AA21

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## Financial Crimes Enforcement Network—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2860	31 CFR 103 Amendment to the Bank Secrecy Act Regulations Regarding Reporting of Cross-Border Transportation of Certain Monetary Instruments .....	1506-AA15
2861	31 CFR 103 Amendments to the Bank Secrecy Act Regulations—Suspicious Activity Reporting—Casinos .....	1506-AA22
2862	31 CFR 103 Amendment to the Bank Secrecy Act Regulations—Exemptions from the Requirement to Report Transactions in Currency .....	1506-AA23

## Financial Crimes Enforcement Network—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2863	31 CFR 103 Amendment to the Bank Secrecy Act Regulations—Requirement That Financial Institutions Carry Out Anti-Money-Laundering Programs .....	1506-AA05
2864	31 CFR 103 Amendment to the Bank Secrecy Act Regulations—Delegation of Authority to Assess Civil Money Penalties on Depository Institutions .....	1506-AA08
2865	31 CFR 103 Amendments to the Bank Secrecy Act Regulations—Special Reporting and Recordkeeping Requirements—Money Services Businesses (MSBs) .....	1506-AA19

## Financial Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2866	31 CFR 245 Claims on Account of Treasury Checks .....	1510-AA51
2867	31 CFR 285.14 Public Dissemination of Identity of Delinquent Debtors .....	1510-AA72
2868	31 CFR 203 Payment of Federal Taxes and the Treasury Tax and Loan Program .....	1510-AA83
2869	31 CFR 210 Federal Government Participation in the Automated Clearinghouse .....	1510-AA84

## Financial Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2870	31 CFR 205 Rules and Procedures for Efficient Federal-State Funds Transfers .....	1510-AA38
2871	31 CFR 240 Indorsement and Payment of Checks Drawn on the United States Treasury .....	1510-AA45
2872	31 CFR 281 Foreign Exchange Operations .....	1510-AA48
2873	31 CFR 256 Payments Under Judgment and Private Relief Acts .....	1510-AA52
2874	31 CFR 900 to 904 Federal Claims Collection Standards .....	1510-AA57
2875	31 CFR 285.5 Offset of Federal Payments (Other Than Tax Refund and Federal Benefit Payments) To Collect Past-Due, Legally Enforceable Nontax Debt .....	1510-AA65
2876	31 CFR 285.7 Salary Offset .....	1510-AA70
2877	31 CFR 285.8 Offset of Tax Refund Payment To Collect State Income Tax Obligations .....	1510-AA78
2878	31 CFR 203 Payment of Federal Taxes and the Treasury Tax and Loan Program .....	1510-AA79
2879	31 CFR 210 Federal Government Participation in the Automated Clearinghouse .....	1510-AA81
2880	31 CFR 285.8 Offset of Tax Refund Payments To Collect State Income Tax Obligations .....	1510-AA82

## Financial Management Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2881	31 CFR 285.6 Offset of Federal Payments (Other Than Tax Refund and Federal Benefit Payments) To Collect Past-Due Debts Owed to States (Other Than Child Support) .....	1510-AA66

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## Financial Management Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
2882	31 CFR 202 Depositories and Financial Agents of the Federal Government .....	1510-AA75
2883	31 CFR 203 Payment of Federal Taxes and the Treasury Tax and Loan Program .....	1510-AA76
2884	31 CFR 225 Acceptance of Bonds Secured by Government Obligations in Lieu of Bonds with Sureties .....	1510-AA77
2885	31 CFR 247 Regulations Governing FedSelect Check .....	1510-AA80

## Bureau of Alcohol, Tobacco and Firearms—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2886	27 CFR 16 Alcohol Beverage Health Warning Statement .....	1512-AC12

## Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2887	27 CFR 7 Revision of Brewery Regulations and Issuance of Regulations for Taverns on Brewery Premises (Brewpubs) ( <b>Reg Plan Seq. No. 106</b> ) .....	1512-AB37
2888	27 CFR 24 Implementation of Public Law 105-34, Sections 1421 and 1422 .....	1512-AB75
2889	27 CFR 4 Alteration of Labels on Containers of Distilled Spirits, Wine and Beer .....	1512-AB76
2890	27 CFR 4 Prohibition of Alcohol Beverage Containers and Standard of Fill for Distilled Spirits and Wine .....	1512-AB89
2891	27 CFR 4 Amended Standard of Identity for Sherry .....	1512-AB96
2892	27 CFR 24 Processes Authorized for the Treatment of Wine, Juice and Distilling Material. ....	1512-AC05
2893	27 CFR 55 Commerce in Explosives (Including Explosives in the Fireworks Industry) ( <b>Reg Plan Seq. No. 107</b> ) ....	1512-AB48
2894	27 CFR 55 Implementation of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997, Relating to the Establishment of a National Repository for Arson and Explosives Information .....	1512-AB73
2895	27 CFR 178 Implementation of Public Law 105-277, Making Omnibus Consolidated and Emerg. Supplemental Appropriations for FY 1999, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act .....	1512-AB83
2896	27 CFR 178 Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for FY99, Relating to Firearms Disabilities for Nonimmigrant Aliens .....	1512-AB93
2897	27 CFR 70 Delegation of Authority in Part 70 .....	1512-AC19
2898	27 CFR 13 Delegation of Authority in 27 CFR Part 13 .....	1512-AC21
2899	27 CFR 275 Prohibited Marks on Packages of Tobacco Products and Cigarette Papers and Tubes Imported or Brought into the United States .....	1512-AC14
2900	27 CFR 270 Determination of Tax and Recordkeeping on Large Cigars .....	1512-AC22
2901	27 CFR 275 Tobacco Products and Cigarette Papers and Tubes Shipped from Puerto Rico to the United States ..	1512-AC24

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

## Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2902	27 CFR 9 American Viticultural Areas .....	1512-AA07
2903	27 CFR 5 Labeling of Unaged Grape Brandy .....	1512-AB46
2904	27 CFR 19.11 Distilled Spirits Plant Regulatory Initiative Proposal .....	1512-AB58
2905	27 CFR 24.278 Implementation of Wine Credit Provisions of Public Law 104-188 .....	1512-AB65
2906	27 CFR 24.178 Implementation of Public Law 105-34, Section 1417, Related to the Use of Ameliorating Material in Certain Wines .....	1512-AB78
2907	27 CFR 4 Health Claims and Other Health Related Statements in the Labeling and Advertising of Alcohol Beverages .....	1512-AB97
2908	27 CFR 4.91 New Grape Varietal (Dornfelder) .....	1512-AC03
2909	27 CFR 178 Commerce in Firearms and Ammunition (Omnibus Consolidated Appropriations Act of 1997) .....	1512-AB64
2910	27 CFR 178 Residency Requirement for Persons Acquiring Firearms .....	1512-AB66
2911	27 CFR 178 Identification Markings Placed on Firearms .....	1512-AB84

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## Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2912	27 CFR 178 Commerce in Firearms and Ammunition—Annual Inventory .....	1512-AC08
2913	5 CFR 1320.7(f)(2) Implementation of the Paperwork Reduction Act .....	1512-AB90
2914	27 CFR 18 Delegation of Authority in 27 CFR Part 18 .....	1512-AB99
2915	27 CFR 47 Delegation of Authority in 27 CFR Part 47 .....	1512-AC04
2916	27 CFR 19 Delegation of Authority in 27 CFR Part 19 .....	1512-AC06
2917	27 CFR 20 Delegation of Authority in Parts 20, 21 and 22 .....	1512-AC13
2918	27 CFR 4 Technical Amendments to 27 CFR Parts 4, 9, 24, 70 and 275 .....	1512-AC15
2919	27 CFR 30 Delegation of Authority in 27 CFR Part 30 .....	1512-AC16
2920	27 CFR 53 Delegation of Authority in 27 CFR Part 53 .....	1512-AC18
2921	27 CFR 25 Delegation of Authority in Part 25 .....	1512-AC20
2922	27 CFR 170 Delegation of Authority in 27 CFR Part 170 .....	1512-AC23
2923	27 CFR 200 Balanced Budget Act of 1997, Public Law 105-33, Restriction on the Importation of Domestic Tobacco Products and Cigarette Papers and Tubes Returned to the United States .....	1512-AB81
2924	27 CFR 275 Implementation of Public Law 105-33, Section 9302, Requiring the Qualification of Tobacco Product Importers and Miscellaneous Technical Amendments .....	1512-AC07

## Bureau of Alcohol, Tobacco and Firearms—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2925	27 CFR 252 Exportation of Liquors .....	1512-AA98
2926	27 CFR 7 Alcoholic Content Labeling for Malt Beverages .....	1512-AB17
2927	27 CFR 22.21 Distribution and Use of Tax-Free Alcohol .....	1512-AB51
2928	27 CFR 20 Distribution of Denatured Alcohol and Rum .....	1512-AB57
2929	27 CFR 18.56 Production of Volatile Fruit Flavored Concentrate .....	1512-AB59
2930	27 CFR 21.3 Formulas for Denatured Alcohol and Rum .....	1512-AB60
2931	27 CFR 24.66 Implementation of Public Law 105-34, Section 1416 Relating to Refund of Tax for Domestic Wine Returned to Bond Regardless of Merchantability (Taxpayer Relief Act of 1997) .....	1512-AB74
2932	Sake Regulations .....	1512-AC09
2933	Flavored Malt Beverages .....	1512-AC11
2934	27 CFR 4.32(d) Removal of Requirement to Disclose Saccharin in the Labeling of Wine, Distilled Spirits and Malt Beverages .....	1512-AC17
2935	27 CFR 70 Recodification of Statement of Procedural Rules .....	1512-AB54
2936	27 CFR 7 Plain Language in Part 7 .....	1512-AC10
2937	27 CFR 290 Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax .....	1512-AB03

## Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identification Number
2938	27 CFR 5.36 (e) Country of Origin Statements on Distilled Spirits Labels .....	1512-AB72
2939	27 CFR 4.21 Labeling of Flavored Wine Products .....	1512-AB86
2940	27 CFR 47 Importation of Arms, Ammunition and Implements of War .....	1512-AC02
2941	27 CFR 6 Delegation of Authority in 27 CFR Parts 6, 8, 10 and 11 .....	1512-AC01
2942	27 CFR 270 Implementation of Public Law 105-33, Section 9302, Related to the Imposition of Permit Requirements on Roll-Your-Own Tobacco .....	1512-AB92

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## Bureau of the Public Debt—Completed Actions

Sequence Number	Title	Regulation Identification Number
2943	31 CFR 380 (New) Regulations Governing Collateral Acceptability and Valuation .....	1535-AA00

## Comptroller of the Currency—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2944	12 CFR 9 Fiduciary Activities of National Banks .....	1557-AB79

## Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2945	12 CFR 3 Capital Rules .....	1557-AB14
2946	12 CFR 19 Uniform Rules of Practice and Procedure; Regulation Review .....	1557-AB43
2947	Debt Cancellation Contracts .....	1557-AB75
2948	Electronic Banking .....	1557-AB76
2949	Fair Credit Reporting Act .....	1557-AB78
2950	12 CFR 14 Consumer Protections for Depository Institution Sales of Insurance .....	1557-AB81
2951	Lending Limits .....	1557-AB82
2952	12 CFR 1 Investment Securities; Bank Activities and Operations; Leasing .....	1557-AB89
2953	12 CFR 8 Assessment of Fees; National Banks; District of Columbia Banks .....	1557-AB90

## Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2954	12 CFR 8 Assessment of Fees; National Banks; District of Columbia Banks .....	1557-AB72
2955	31 CFR 1 Notice of Exempt Privacy Act Systems of Records .....	1557-AB83
2956	12 CFR 30, app D Interagency Guidelines Establishing Standards for Safeguarding Customer Information .....	1557-AB84
2957	Disclosure and Reporting of CRA Related Agreements .....	1557-AB85
2958	12 CFR 19 Rules of Practice and Procedure .....	1557-AB88

## Comptroller of the Currency—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2959	12 CFR 12 Qualification Requirements for Transactions in Certain Securities .....	1557-AB54
2960	Rules and Procedures for Claims Against OCC-Appointed Receiverships for Uninsured Financial Institutions .....	1557-AB59
2961	12 CFR 34 Real Estate Appraisals .....	1557-AB70
2962	12 CFR 21 Minimum Security Devices and Procedures .....	1557-AB71

## Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identification Number
2963	12 CFR 40 Privacy .....	1557-AB77
2964	Other Equity Investments .....	1557-AB86

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## United States Customs Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2965	19 CFR 159 Liquidation; Extension; Suspension .....	1515-AB66
2966	19 CFR 12 Detention, Seizure, and Forfeiture of "Bootleg" Sound Recording and Music Videos of Live Musical Performances .....	1515-AB74
2967	19 CFR 111 Remote Location Filing .....	1515-AC23
2968	19 CFR 177 Administrative Rulings .....	1515-AC56
2969	User and Navigation Fees; Other Reimbursable Charges .....	1515-AC63
2970	Simplification of In-Transit Truck Shipments Between Canada and the United States .....	1515-AC65
2971	19 CFR 142 National Sanctions Due to the Delinquent Payment of Customs Bills .....	1515-AC68
2972	19 CFR 145 Customs Examination of In-Transit Mail Shipments .....	1515-AC71
2973	19 CFR 122 Private Aircraft Programs: Establishment of the General Aviation Telephonic Entry (GATE) Program and Revisions to the Overflight Program .....	1515-AC73

## United States Customs Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2974	19 CFR 181 North American Free Trade Agreement (NAFTA)—Implementation of Duty-Deferral Program Provisions .....	1515-AB87
2975	19 CFR 12 Entry of Softwood Lumber Shipments From Canada .....	1515-AB97
2976	19 CFR 141 Customs Entry Documentation Pursuant to Anticounterfeiting Consumer Protection Act .....	1515-AC15
2977	19 CFR 4 Foreign Repairs to American Vessels .....	1515-AC30
2978	19 CFR 134 Country of Origin Marking .....	1515-AC32
2979	19 CFR 24 Expanded Methods of Payment of Duties, Taxes, Interest and Fees .....	1515-AC40
2980	19 CFR 12 Amended Bond Procedures for Articles Subject to Exclusion Orders Issued by the U.S. International Trade Commission .....	1515-AC43
2981	19 CFR 113 Importation and Entry Bond Conditions Regarding Other Agency Documentation Requirements .....	1515-AC44
2982	19 CFR 12 Assessment of Liquidated Damages Regarding Imported Merchandise That Is Not Admissible Under the Food, Drug and Cosmetic Act .....	1515-AC45
2983	19 CFR 132 Export Certificates for Lamb Meat Subject to Tariff-Rate Quota .....	1515-AC54
2984	19 CFR 4 General Order Warehouses .....	1515-AC57
2985	19 CFR 4 Deferral of Duty on Large Yachts Imported for Sale .....	1515-AC58
2986	19 CFR 10 Civil Aircraft .....	1515-AC59
2987	Entry of Softwood Lumber Shipments from Canada .....	1515-AC62
2988	19 CFR 191 Merchandise Processing Fee Eligible to be Claimed as Unused Merchandise Drawback .....	1515-AC67
2989	19 CFR 162 Civil Asset Forfeiture .....	1515-AC69
2990	19 CFR 10 African Growth and Opportunity Act and Generalized System of Preferences .....	1515-AC72
2991	19 CFR 146 Expanded Weekly Entry Procedure for Foreign Trade Zones .....	1515-AC74

## United States Customs Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2992	19 CFR 4 Harbor Maintenance Fee .....	1515-AA57
2993	19 CFR 24 Donated Cargo Exemption From Harbor Maintenance Fee .....	1515-AA87
2994	19 CFR 113 Automated Surety Interface .....	1515-AB25
2995	19 CFR 24 Fees Assessed for Defaulted Payments .....	1515-AB38
2996	19 CFR 12 Textiles and Textile Products Subject to Textile Trade Agreements .....	1515-AB54
2997	19 CFR 134 Country-of-Origin Marking Requirements for Frozen Produce Packages .....	1515-AB61
2998	19 CFR 142 Reconciliation .....	1515-AB85
2999	19 CFR 148 Treatment of Merchandise Imported by Foreign Governments or Designated International Organizations .....	1515-AB92
3000	19 CFR 12 Determination of the Country of Origin of Textiles and Textile Products .....	1515-AC00
3001	19 CFR 123 Designated Land Border Crossing Locations for Certain Conveyances .....	1515-AC12
3002	19 CFR 103 Public Disclosure of Aircraft Manifests .....	1515-AC13
3003	19 CFR 102 NAFTA Preference Override .....	1515-AC25

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## United States Customs Service—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
3004	19 CFR 143 Informal Entry of Low-Value Duty-Free Merchandise .....	1515-AC38
3005	19 CFR 19 Personal Use Limitation for Purchases at Duty-Free Stores .....	1515-AC50

## United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
3006	19 CFR 134 Country-of-Origin Marking for Watches .....	1515-AB68
3007	19 CFR 24 Interest on Underpayments and Overpayments of Customs Duties, Fees and Interest .....	1515-AB76
3008	19 CFR 103 Electronic Requests for Confidential Treatment of Export Manifest Data .....	1515-AB89
3009	19 CFR 171 Petitions for Relief; Seizures, Penalties, and Liquidated Damages .....	1515-AC01
3010	19 CFR 171 Guidelines for the Imposition and Mitigation of Penalties for Violation of 19 USC 1592 .....	1515-AC08
3011	19 CFR 4 Vessel Equipment Temporarily Landed for Repair .....	1515-AC35
3012	19 CFR 12 Forced or Indentured Child Labor .....	1515-AC36
3013	19 CFR 24 Endorsement of Checks Deposited by U.S. Customs Service .....	1515-AC48
3014	19 CFR 19 Location of Duty-Free Stores .....	1515-AC53
3015	19 CFR 132 Export Certificates for Sugar-Containing Products Subject to Tariff-Rate Quota .....	1515-AC55
3016	19 CFR 162 Summary Forfeiture of Controlled Substances .....	1515-AC60
3017	Extension of Import Restrictions Imposed on Certain Categories of Archeological Material from the Prehispanic Cultures of the Republic of El Salvador .....	1515-AC61

## Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3018	Interest Free Adjustments Under Section 6205 .....	1545-AY21

## Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3019	Foreign Insurance Companies .....	1545-AL82
3020	Section 361 Outbound Transfers of Property to Foreign Corporations .....	1545-AM97
3021	Foreign Insurance Company—Domestic Election .....	1545-AO25
3022	Information Reporting and Record Maintenance Under Section 6038C .....	1545-AP10
3023	Integrated Financial Transaction .....	1545-AR20
3024	Section 6048 Regulations .....	1545-AR25
3025	Reporting Requirements for Widely Held Fixed Investment Trusts .....	1545-AU15
3026	Civil Cause of Action for Certain Unlawful Collection Actions .....	1545-AU68
3027	Electing Small Business Trust .....	1545-AU76
3028	Source Rules for Payments Made Pursuant to Certain Swap Arrangements .....	1545-AU89
3029	Special Rules Applicable to Sales of Debt Instrument Between Record Dates and the End of Accrual Periods .....	1545-AU95
3030	Agreements for Payment of Tax Liabilities in Installments .....	1545-AU97
3031	Return of Levied Property in Certain Cases .....	1545-AV01
3032	Foreign Tax Credit Antiabuse Regulation .....	1545-AV97
3033	Merchandise .....	1545-AW00
3034	HIPAA Nondiscrimination Rules .....	1545-AW02
3035	Transportation of Persons and Property by Air—Sections 4261 and 4271 .....	1545-AW19
3036	Estate Tax Deduction for Qualified Family-Owned Business Interests (QFOBI) .....	1545-AW21
3037	Election To Treat Trust as Estate—Section 645 .....	1545-AW24
3038	Section 988—Contingent Debt Instrument .....	1545-AW33
3039	Capital Gain Guidance Relating to CRTs .....	1545-AW35
3040	Middleman Regulation Under Sections 6041 and 6045 .....	1545-AW48

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## Internal Revenue Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3041	Merchandise Regulation .....	1545-AW61
3042	Relief From Joint and Several Liability on Joint Return .....	1545-AW64
3043	Constructive Sales of Appreciated Financial Positions .....	1545-AW97
3044	Qualified Offers .....	1545-AW99
3045	Notice of Contact of Third Parties—Section 7602(c) .....	1545-AX04
3046	Highway Vehicle—Definition .....	1545-AX10
3047	Deposit of Excise Taxes—Revision .....	1545-AX11
3048	Guidance on Cost Recovery in the Entertainment Industry .....	1545-AX12
3049	Straddles—One Side Larger Than the Other .....	1545-AX16
3050	Definition of Accounting Method .....	1545-AX21
3051	Sections 401(k) and 410(m) Cash or Deferred Arrangements .....	1545-AX26
3052	Exclusion of Gain on the Sale or Exchange of Principal Residence .....	1545-AX28
3053	Special Rules for Retroactive Payments Under Section 417(a)(7)(a) for Qualified Retirement Plans .....	1545-AX34
3054	Definition of “Issued” With Regard to Chief Counsel Advice .....	1545-AX40
3055	401(k) and 401(m) Regulations .....	1545-AX43
3056	Notional Principal Contracts and Other Financial Products .....	1545-AX45
3057	Section 7430 Regulations .....	1545-AX46
3058	Section 1374 Timber .....	1545-AX50
3059	Address Correction .....	1545-AX51
3060	Compensation Deferred Under Eligible Section 457(b) Plans (Section 457 Regulations) .....	1545-AX52
3061	Tax on Insurance Companies Other Than Life Insurance Companies .....	1545-AX54
3062	Definition of Private Activity Bond—Refunding Regulations .....	1545-AX55
3063	Agent for the Group Under Section 1.1502-77 .....	1545-AX56
3064	Equity Options with Flexible Terms .....	1545-AX66
3065	Tiered Structures—ESBTs and ESOPs .....	1545-AX71
3066	Clarification of Entity Classification Rules Regarding Entities Classified as Corporations .....	1545-AX75
3067	Definition of Passive Foreign Investment Company Under Section 1297 .....	1545-AX78
3068	Disclosure of Return and Return Information to Designee of Taxpayer .....	1545-AX85
3069	Procurement/Purchasing Card Reporting .....	1545-AX86
3070	Statute of Limitations on Collection Installment Agreements .....	1545-AX89
3071	Clarification of Foreign-Based Company Sales Income Rules .....	1545-AX91
3072	Capitalization of Interest and Carrying Charges Properly Allocable to Straddles .....	1545-AX92
3073	Assumption of Partnership Liabilities .....	1545-AX93
3074	Special Basis Rules Under Section 705 .....	1545-AX94
3075	Like-Kind Exchanges Under Section 168 .....	1545-AX95
3076	Definition of Income Under Section 643 .....	1545-AX96
3077	Definition of Diesel Fuel .....	1545-AX97
3078	Automatic Extension for Form 706 .....	1545-AX98
3079	Transfers of Property to Third Parties on Behalf of a Spouse .....	1545-AX99
3080	Electronic Payee Statements .....	1545-AY00
3081	Hedging Transactions Under Section 1221(a)(7) and Section 446 .....	1545-AY02
3082	Guidance Under Section 894 .....	1545-AY03
3083	Guidance Necessary to Facilitate Electronic Tax Administration .....	1545-AY04
3084	Revision of Circular No. 230 .....	1545-AY05
3085	Regulations Governing Practice Before the Internal Revenue Service .....	1545-AY07
3086	Classification of Certain Employee Benefit Trusts .....	1545-AY09
3087	Guidance Under Section 6302 Regarding the Federal Tax Deposit System .....	1545-AY10
3088	Check the Box Regulations—Amendment .....	1545-AY16
3089	“Authorized Placement Agency” Under Section 152 .....	1545-AY18
3090	Disqualified Persons .....	1545-AY19
3091	Tax Treatment of Cafeteria Plans .....	1545-AY23
3092	Disallowance of Deductions and Credits for Failure to File Timely Return .....	1545-AY26
3093	Section 1503(d) Regulation .....	1545-AY27
3094	Withholding Tax on Foreign Partners’ Share of Effectively Connected Income .....	1545-AY28
3095	Application of Separate Foreign Tax Credit Limitations .....	1545-AY29
3096	Mid-Contract Change in Taxpayer .....	1545-AY31
3097	HIPAA General Nondiscrimination .....	1545-AY32
3098	HIPAA Nondiscrimination/Exception for Church Plans .....	1545-AY33
3099	HIPAA Nondiscrimination/Bona Fide Wellness Programs .....	1545-AY34

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## Internal Revenue Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3100	Guidance Under Section 6050P Regarding Information Reporting on Cancellation of Indebtedness .....	1545-AY35
3101	Nondiscrimination Requirements for Certain Defined Contribution Retirement Plans .....	1545-AY36
3102	Dollar-Value LIFO .....	1545-AY39
3103	Section 83-1032 Conforming Changes .....	1545-AY40
3104	Section 355(e) Guidance .....	1545-AY42
3105	Guidance Under Subpart F Relating to Partnerships .....	1545-AY45

## Internal Revenue Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3106	Regulations Under Section 367 To Reflect Section 131 of the Tax Reform Act of 1984 (Pub. L. 98-369) .....	1545-AK74
3107	Computation of a Branch's Taxable Income; Taxation of Exchange Gain or Loss on Branch Remittances .....	1545-AM12
3108	Earnings Stripping Payments .....	1545-AO24
3109	Credit For Increasing Research Activities .....	1545-AO51
3110	Fringe Benefit Sourcing Under Section 861 .....	1545-AO72
3111	Foreign Grantor Trusts .....	1545-AO75
3112	Taxation of Global Trading .....	1545-AP01
3113	Accounting for Long-Term Contracts .....	1545-AQ30
3114	Definition of "Highly Compensated Employee" .....	1545-AQ74
3115	Passive Foreign Investment Companies—Special Rules for Foreign Banks and Securities Dealers .....	1545-AS46
3116	Proposed Regulation Under Sections 882 and 884 .....	1545-AT96
3117	Treatment of Obligation-Shifting Transactions .....	1545-AU19
3118	Withdrawal of Notice of Federal Tax Lien .....	1545-AV00
3119	Research Credit II .....	1545-AV14
3120	Electronic Tip Reporting .....	1545-AV28
3121	Removal of Temporary Regulations .....	1545-AV36
3122	Clarification of 4958 Excise Taxes .....	1545-AV60
3123	EIC Eligibility .....	1545-AV61
3124	Qualified Zone Academy Bonds .....	1545-AV75
3125	Continuity of Interest .....	1545-AV81
3126	Disclosure of Return Information to the Bureau of the Census .....	1545-AV84
3127	Relief for Presidentially Declared Disaster .....	1545-AV92
3128	Averaging of Farm Income .....	1545-AW05
3129	Mark-to-Market Accounting for Dealers in Commodities and Traders in Securities and Commodities .....	1545-AW06
3130	Stocks and Securities Safe Harbor Exception .....	1545-AW13
3131	Qualified Lessee Construction Allowances for Short-Term Leases .....	1545-AW16
3132	Definition of Contribution in Aid of Construction Under Section 118(c) .....	1545-AW17
3133	Capital Gains and Partnership Provisions .....	1545-AW22
3134	GRAT and Notes .....	1545-AW25
3135	Section 411(d)(6); Protected Benefits Exceptions .....	1545-AW27
3136	Intercompany Obligations .....	1545-AW30
3137	Disregarded Entities .....	1545-AW36
3138	Special Rules Regarding the Simplified Production and Resale Methods with Historic Absorption Ratio Election .....	1545-AW54
3139	Education Credits .....	1545-AW65
3140	Information Reporting for Payments of Tuition and Interest on Education Loans .....	1545-AW67
3141	Guidance Under Section 355(d) .....	1545-AW71
3142	Reporting of Payments to Attorney .....	1545-AW72
3143	Timely Mailing Treated as Timely Filing/Electronic Postmark .....	1545-AW81
3144	Modifications and Additions to the Unified Partnership Audit Procedures .....	1545-AW86
3145	Compromises .....	1545-AW88
3146	Certain Asset Transfers to Regulated Investment Companies (RICs) and Real Estate Investment Trusts (REITs) ..	1545-AW92
3147	Continuation Coverage Requirements Applicable to Group Health Plans .....	1545-AW94
3148	Qualified Offers .....	1545-AX00
3149	Qualified Zone Academy Bonds Credit Rate .....	1545-AX03
3150	Allocation of Research Credit .....	1545-AX05
3151	Delay Rental Payments .....	1545-AX06

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## Internal Revenue Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3152	GST Issues .....	1545-AX08
3153	Allocation of Partnership Debt .....	1545-AX09
3154	Definition of Last Known Address .....	1545-AX13
3155	Dollar-Value LIFO Regulations .....	1545-AX20
3156	351(g) Guidance Project .....	1545-AX38
3157	Changes in Entity Classification: Special Rule for Certain Foreign Eligible Entities .....	1545-AX39
3158	Partnership Mergers and Divisions .....	1545-AX42
3159	Permitted Election Changes Under Section 125 .....	1545-AX59
3160	Reopenings .....	1545-AX60
3161	Prevention of Abuse of Charitable Remainder Trusts .....	1545-AX62
3162	Stock Transfer Rules: Supplemental Rules .....	1545-AX63
3163	Loans Under Section 72(p) .....	1545-AX68
3164	Allocation and Apportionment of Interest Expense and Certain Other Expenses .....	1545-AX72
3165	Applying Section 197 to Partnership Transactions .....	1545-AX73
3166	Lifetime Charitable Lead Trusts .....	1545-AX74
3167	HIPAA Portability .....	1545-AX84
3168	Special Rules for Output Facilities .....	1545-AX87
3169	Qualified Zone Academy Bonds .....	1545-AY01
3170	Guidance Under 6302 Regarding the Federal Tax Deposit System .....	1545-AY11
3171	Investment Type Property (Prepayment) .....	1545-AY12
3172	Guidance Under Section 894 (Temporary) .....	1545-AY13
3173	Broker's Commissions and Similar Fees .....	1545-AY15
3174	Recognition of Gain on Certain Transfers to Foreign Trusts and Estates .....	1545-AY25

## Internal Revenue Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3175	Income Tax—Taxpayer's Obligation To File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File .....	1545-AC09
3176	Income Tax—Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico and Possession Tax Credit .....	1545-AC10
3177	Treatment of Funded Welfare Benefit Plans .....	1545-AG14
3178	Golden Parachute Payments .....	1545-AH49
3179	FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction, and Other Special Rules for FSC .....	1545-AI16
3180	Income Tax—Reciprocal Exemptions for Certain Transportation Income .....	1545-AJ57
3181	Information From Passport and Immigration Applicants .....	1545-AJ93
3182	Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act .....	1545-AK79
3183	Income of Foreign Governments and International Organizations .....	1545-AL93
3184	Clarification of Treatment of Separate Limitation Losses .....	1545-AM11
3185	Earnings and Profits of Controlled Foreign Corporations .....	1545-AM90
3186	CBI Investments of Section 936 Funds .....	1545-AM91
3187	Railroad Unemployment Repayment Tax .....	1545-AN40
3188	Limitations on Passive Activity Losses and Credits—Self-Charged Items .....	1545-AN64
3189	Consolidated Alternative Minimum Tax .....	1545-AN73
3190	Conforming Taxable Years of CFCs and FPHCs: 1989 Change .....	1545-AO22
3191	Charitable Contributions .....	1545-AP30
3192	Section 1.163-1(b)(2) .....	1545-AP33
3193	Guidance in Notice 89-37, Which Treats the Receipt of a Corporate Partner's Stock by the Corporate Partner as a Circumvention of General Utilities Repeal .....	1545-AP52
3194	Use of GAAP Earnings as E&P of Foreign Corporations .....	1545-AQ55
3195	Interest-Free Adjustments .....	1545-AQ61
3196	The Treatment of Accelerated Death Benefits Under Sections 101, 7702 and 7702A of the Internal Revenue Code .....	1545-AQ70
3197	Applications of Section 1503(d) to Partnerships and Other Items .....	1545-AR26
3198	Intercompany Transfer Pricing for Services .....	1545-AR32

## TREAS

## Internal Revenue Service—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
3199	Escrow Funds and Other Similar Funds .....	1545-AR82
3200	Mark-to-Market Upon Disposition .....	1545-AS85
3201	Straddles—Miscellaneous Issues .....	1545-AT46
3202	Effect of the Family and Medical Leave Act on the Operation of Cafeteria Plans .....	1545-AT47
3203	Allocation of Accrued Benefits Between Employer and Employee Contributions .....	1545-AT82
3204	Application of Grantor Trust Rules to Nonexempt Employees' Trust .....	1545-AU29
3205	Recomputation of Life Insurance Reserves .....	1545-AU49
3206	Application of Attribution Rules to Foreign Trusts .....	1545-AU91
3207	FASIT—Start-up/Operational/Transition .....	1545-AU94
3208	Definition of "Private Activity Bonds"—Allocation and Accounting Regulations .....	1545-AU98
3209	Regulations Under Section 1441 Regarding the Electronic Transmission of Withholding Certificates .....	1545-AV27
3210	Removal of Temporary Regulations That Provide Rules for Substantiating Travel Expense Deductions for Members of Congress .....	1545-AV55
3211	Required Distributions From Qualified Plans and Individual Retirement Plans .....	1545-AV82
3212	Interest on Education Loans .....	1545-AW01
3213	Allocation of Loss on Disposition of Personal Property .....	1545-AW09
3214	Corporate Tax Shelter Registration .....	1545-AW26
3215	Payment of Taxes by Credit Card and Debit Card .....	1545-AW37
3216	Conversion to the Euro .....	1545-AW43
3217	Section 148—Clarification of the Treatment of Prepayments .....	1545-AW44
3218	Source of Income for Space and Certain Ocean Activities and for International Communications Income .....	1545-AW50
3219	Guidance Under Subpart F Relating to Certain Hybrid Transactions .....	1545-AW63
3220	Preparer Due Diligence Requirements for Determining Earned Income Credit Eligibility .....	1545-AW73
3221	Section 355(e) Guidance .....	1545-AW79
3222	Notice and Opportunity for Hearing Before Levy .....	1545-AW90
3223	Notice and Opportunity for Hearing Upon Filing of Notice of Lien .....	1545-AW91
3224	Transfer of REMIC Residual Interest .....	1545-AW98
3225	Rules for Sourcing Certain Transportation Income, Space or Ocean Activity Income, and Related Foreign Base Company Shipping Income .....	1545-AX02
3226	Change of Annual Accounting Period .....	1545-AX15
3227	Coordination of Sections 755 and 1060 .....	1545-AX18
3228	Guaranteed Investment Contracts .....	1545-AX22
3229	Qualified Transportation Fringe Benefits .....	1545-AX33
3230	Grouping Rules for Foreign Sales Corporation Transfer Pricing .....	1545-AX41
3231	Section 414(q) Regulation .....	1545-AX48
3232	Stock Transfer Rules: Carryover of Earnings and Taxes .....	1545-AX65
3233	Definition of Hyperinflationary Currency for Purposes of Section 988 .....	1545-AX67
3234	Disclosures of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities .....	1545-AX69
3235	Modification to Section 367(a) Stock Transfer Regulations .....	1545-AX77
3236	Requirement to Maintain List of Investors in Potentially Abusive Tax Shelters .....	1545-AX79
3237	Tax Shelter Disclosure Statements .....	1545-AX81
3238	Application of Separate Foreign Tax Credit Limitations .....	1545-AX88
3239	Final Regulations on Disclosures to Department of Commerce-Bureau of Census; Section 301.6103(j)(1)-1 .....	1545-AY06
3240	Damages Under Section 7433 .....	1545-AY08
3241	Electing Mark-to-Market for Marketable Stock of a PFIC .....	1545-AY17
3242	Active Conduct of an Insurance Business Under PFIC Rules .....	1545-AY20
3243	Guidance on Changes to the Laws for Corporate Estimated Taxes .....	1545-AY22
3244	Section 1445 Regulation .....	1545-AY24
3245	Taxable Years of CFCs and FPHCs .....	1545-AY30
3246	Allocation of Income and Deductions from Intangibles .....	1545-AY38
3247	Section 367(d) Regulations .....	1545-AY41
3248	Regulations Implementing Section 420(c)(3)(E) .....	1545-AY43
3249	Special Rules for S Corporations Under Section 301.7701(b)-7 .....	1545-AY44

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## Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
3250	Loans Treated as Distributions .....	1545-AE41
3251	Source Rules for Personal Property Sales .....	1545-AJ83
3252	Telefile Voice Signatures Test .....	1545-AQ68
3253	Rules for Property Produced in a Farming Business .....	1545-AQ91
3254	Diesel Fuel Excise Tax; Dye Injection Systems and Markers .....	1545-AT18
3255	Coordination of Pre-1987 Deemed Paid Taxes .....	1545-AT85
3256	Relief From Disqualification for Plans Accepting Rollovers .....	1545-AU46
3257	Legending of REMIC Certificates .....	1545-AU96
3258	Deposits of Excise Taxes .....	1545-AV02
3259	Regulations Under Sections 871, 881, and 894 Regarding Payments to Partnerships, and Other Transparent Arrangements .....	1545-AV10
3260	Qualified State Tuition Programs .....	1545-AV18
3261	Private Activity Bond Rules for Output Facilities .....	1545-AV47
3262	Kerosene Tax; Aviation Fuel Tax; Tax on Heavy Trucks and Trailers .....	1545-AV71
3263	Warrants and Nonqualified Preferred Stock .....	1545-AV86
3264	Consolidated Returns—Limitations on the Use of Certain Losses and Credits .....	1545-AV88
3265	Consolidated Returns—Limitations on the Use of Certain Losses and Credits .....	1545-AV99
3266	Retention of Income Tax Return Preparer's Signatures .....	1545-AW52
3267	Guidance Under Section 1032 .....	1545-AW53
3268	Increase in Cashout Limit Under Sections 411(a)(7), 411(a)(11), and 417(e)(1) .....	1545-AW59
3269	Valuation Tables .....	1545-AX07
3270	Definition of Grantor .....	1545-AX25
3271	Extension of Time to Electronically File Information Returns, Limitation of Penalty for Individual's Failure to Pay During Period of Installment Agreement .....	1545-AX31
3272	Advance Payments .....	1545-AX36
3273	Changes to Section 1441 Regulations Effective January 1, 2000 .....	1545-AX53
3274	Modification of the Solely-For-Voting Stock Requirement in Certain Corporate Reorganizations .....	1545-AX57
3275	Permitted Election Changes Under Section 125 .....	1545-AX58
3276	Clarification of Entity Classification Rules Regarding Entities Classified as Corporations (Temporary) .....	1545-AX76
3277	Requirement to Maintain List of Investors in Potentially Abusive Tax Shelters (Temporary) .....	1545-AX80
3278	Tax Shelter Disclosure Statements (Temporary) .....	1545-AX82
3279	Corporate Tax Shelter Regulation (Temporary) .....	1545-AX83
3280	Repeal of Proposed Regulations .....	1545-AX90
3281	Modification of Tax Shelter Rules .....	1545-AY37

## Office of Thrift Supervision—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3282	12 CFR 567 Capital Rules .....	1550-AB11

## Office of Thrift Supervision—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3283	12 CFR 516 Application Processing .....	1550-AB14
3284	12 CFR 545 Types of Offices .....	1550-AB18
3285	12 CFR 545 Directors and Officers .....	1550-AB19
3286	12 CFR 545 Nondeposit Investment Products .....	1550-AB22
3287	12 CFR 563b Mutual Savings Associations, Mutual Holding Company Reorganizations, and Conversions .....	1550-AB24
3288	12 CFR 590 Due on Sale and Usury Preemption .....	1550-AB25
3289	12 CFR 584 Holding Company Activities .....	1550-AB29
3290	12 CFR 500 Organizational Regulations .....	1550-AB30
3291	Fair Credit Reporting .....	1550-AB33
3292	12 CFR 560 Responsible Alternative Mortgage Lending .....	1550-AB37

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Office of Thrift Supervision—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3293	12 CFR Part 552 Amendment to Preapproved Bylaws .....	1550-AB39
3294	12 CFR 559 Lending and Investment - Miscellaneous Changes .....	1550-AB40

Office of Thrift Supervision—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3295	12 CFR 573 Community Reinvestment Act Disclosure .....	1550-AB32
3296	12 CFR 536 Insurance Customer Protections .....	1550-AB34
3297	12 CFR 568 Privacy: Nonpublic Personal Information; Safeguarding Customer Information .....	1550-AB36

Office of Thrift Supervision—Completed Actions

Sequence Number	Title	Regulation Identification Number
3298	12 CFR 563 Transfer and Repurchase of Government Securities .....	1550-AB38
3299	12 CFR 559 Subordinate Organizations Updates .....	1550-AB41

**Department of the Treasury (TREAS)  
Departmental Offices (DO)**

**Proposed Rule Stage**

**2850. POSSIBLE REGULATION OF ACCESS TO ACCOUNTS AT FINANCIAL INSTITUTIONS THROUGH PAYMENT SERVICE PROVIDERS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 31 USC 321; 31 USC 3332

**CFR Citation:** 31 CFR ch II

**Legal Deadline:** None

**Abstract:** Treasury is seeking comment on whether it should propose regulations regarding arrangements between insured financial institutions and nondepository payment service providers (e.g., check cashers) governing access to Federal electronic payments. Commenters are asked to address the question of whether these arrangements should be federally regulated and, if they should, how those regulations should be structured.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/08/99	64 FR 1149

Action	Date	FR Cite
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ANPRM Comment Period End	04/08/99	
NPRM	01/00/01	
NPRM Comment Period End	04/00/01	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Roger Bezdek, Senior Advisor for Fiscal Management, Department of the Treasury, Room 2064C, 1500 Pennsylvania Avenue NW, Washington, DC 20220  
Phone: 202 622-1807

**RIN:** 1505-AA74

**2851. • AMENDMENTS TO THE GOVERNMENT SECURITIES ACT REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 78o-5(b)(1)(A); 15 USC 78o-5(b)(4); 15 USC 78o-5(b)(5)(B); 31 USC 3121; 31 USC 9110

**CFR Citation:** 17 CFR 450

**Legal Deadline:** None

**Abstract:** The proposed rule amends the regulations issued under the Government Securities Act of 1986 (GSA). Section 208 of the Gramm-Leach-Bliley Act amended the definition of the term “Government Securities” in the Securities Exchange Act of 1934 to include as applied to a bank, qualified Canadian government obligations. The proposed rule would make a technical amendment to the GSA regulations to conform to this change in definition.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lee Grandy, Associate Director, Department of the Treasury, Room 315, 999 E Street NW., Washington, DC 20239-0001  
Phone: 202 691-3632  
Email: govsecreg@bpd.treas.gov

## TREAS—DO

## Proposed Rule Stage

Deidre Brewer, Government Securities Specialist, Department of the Treasury, Room 315, Government Securities

Regulations Staff, 999 E Street NW., Washington, DC 20239-0001

Phone: 202 691-3632

RIN: 1505-AA82

**Department of the Treasury (TREAS)**  
**Departmental Offices (DO)**

## Final Rule Stage

**2852. COMPARABLE REQUIREMENT FOR NATIONAL BANKS AMONG THE SECOND FIFTY LARGEST INSURED NATIONAL BANKS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 321; PL 106-102, sec 121, Gramm-Leach-Bliley Act

**CFR Citation:** 12 CFR 1501

**Legal Deadline:** None

**Abstract:** This interim final rule implements section 121 of the Gramm-Leach-Bliley Act (GLBA), Public Law 106-102, which authorizes national banks to conduct expanded financial activities through financial subsidiaries if they satisfy requirements specified in the GLBA. The rule sets forth a comparable criterion for national banks among the second 50 largest insured banks that is the equivalent of the GLBA rating criterion applicable to national banks among the top 50 largest insured banks. The comparable criterion is the "long-term issuer credit rating," which provides a rating for a bank's long-term overall capacity to meet its financial obligations. National banks can meet this criterion by having a long-term issuer credit rating in the top three investment grade ratings categories from at least one independent rating agency.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/20/00	65 FR 15050
Interim Final Rule Effective	03/14/00	
Interim Final Rule Comment Period End	05/15/00	
Final Rule	07/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jeffrey C. King, Senior Counsel, Department of the Treasury, Room 2025, Washington, DC 20220  
Phone: 202 622-1978  
Fax: 202 622-1974

RIN: 1505-AA77

**2853. MERCHANT BANKING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1843(k)(7)

**CFR Citation:** 12 CFR 1500

**Legal Deadline:** None

**Abstract:** This interim rule, issued jointly by the Department of the Treasury (Treasury) and the Board of Governors of the Federal Reserve System (Board), implements section 103 of the Gramm-Leach-Bliley Act (GLBA), Public Law 106-102, 113 Stat.1338, which authorizes financial holding companies to engage in activities that are financial in nature. This joint rule implements the provision of section 103 that permits financial holding companies to engage in merchant and investment banking activities by describing the types of investments permissible, the means by which investments may be made (i.e., directly or through a private equity fund), the limitations on such investments, and reporting and record-keeping requirements. (Reporting and record-keeping are required by the Board, which supervises financial holding companies.)

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/28/00	65 FR 16460
Interim Final Rule Effective	03/17/00	
Interim Final Rule Comment Period End	05/22/00	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gary W. Sutton, Senior Banking Counsel, Office of General Counsel, Department of the Treasury, Room 2014, 1500 Pennsylvania Avenue NW, Washington, DC 20220  
Phone: 202 622-1976  
Fax: 202 622-1974  
Email: gary.sutton@do.treas.gov

RIN: 1505-AA78

**2854. FINANCIAL ACTIVITIES OF FINANCIAL SUBSIDIARIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 24a

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This interim rule was issued by the Department of the Treasury (Treasury) to implement section 121 of the Gramm-Leach-Bliley Act (GLBA), Public Law 106-102, 113 Stat. 1338. Section 121 authorizes Treasury, in coordination with the Board of Governors of the Federal Reserve System (Board), to determine that activities are financial in nature or incidental to activities financial in nature, and therefore permissible activities for financial subsidiaries of national banks. This rule will discuss activities that are financial in nature and set forth the procedures for national banks and other interested parties to follow in order to request that Treasury determine whether an activity is financial in nature or incidental to a financial activity.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/20/00	65 FR 14819
Interim Final Rule Effective	03/14/00	
Interim Final Rule Comment Period End	05/15/00	
Final Rule	07/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gary W. Sutton, Senior Banking Counsel, Office of General Counsel, Department of the Treasury, Room 2014, 1500 Pennsylvania Avenue NW, Washington, DC 20220  
Phone: 202 622-1976  
Fax: 202 622-1974  
Email: gary.sutton@do.treas.gov

RIN: 1505-AA80

**TREAS—DO**

**Final Rule Stage**

**2855. FINANCIAL SUBSIDIARIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 24a

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This joint rule will be adopted by the Department of the Treasury and the Board of Governors of the Federal Reserve System to implement section 121 of the Gramm-

Leach-Bliley Act. The Rule will establish a portion of an indexing mechanism to adjust the maximum aggregate consolidated assets of all financial subsidiaries of a national bank permitted under the Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gary W. Sutton, Senior Banking Counsel, Office of General Counsel, Department of the Treasury, Room 2014, 1500 Pennsylvania Avenue NW, Washington, DC 20220  
 Phone: 202 622-1976  
 Fax: 202 622-1974  
 Email: gary.sutton@do.treas.gov

**RIN:** 1505-AA81

**Department of the Treasury (TREAS)**

**Long-Term Actions**

**Departmental Offices (DO)**

**2856. RESOLUTION FUNDING CORPORATION OPERATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 1510

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/08/00	65 FR 12064

**Action Date FR Cite**

Interim Final Rule Effective	03/08/00	
Interim Final Rule Comment Period End	04/07/00	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brandon B. Straus  
 Phone: 202 622-1964  
 Fax: 202 622-1974

**RIN:** 1505-AA79

**Department of the Treasury (TREAS)**

**Completed Actions**

**Departmental Offices (DO)**

**2857. DISCLOSURE OF RECORDS: FREEDOM OF INFORMATION ACT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 31 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Rule	06/30/00	65 FR 40503
Final Rule Effective	06/30/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Alana Johnson  
 Phone: 202 622-0930  
 Fax: 202 622-3895  
 Email: alana.johnson@do.treas.gov

**RIN:** 1505-AA76

**2858. • NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE; FINAL COMMON RULE**

**Priority:** Other Significant

**Legal Authority:** 20 USC 1681 to 1683; 20 USC 1685 to 1688

**CFR Citation:** 31 CFR 28

**Legal Deadline:** None

**Abstract:** This final common rule provides for the enforcement of title IX of the Education Amendments of 1972, as amended (title IX). Title IX prohibits recipients of Federal financial assistance from discriminating on the basis of sex in education programs or activities. The promulgation of these title IX regulations will provide guidance to recipients of Federal financial assistance who administer education programs or activities. The provisions of this common rule will

also promote consistent and adequate enforcement of title IX by all participating agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	10/29/99	64 FR 58567
NPRM Comment Period End	12/28/99	
Final Rule	09/29/00	65 FR 52857

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

**Agency Contact:** Marcia H. Coates, Department of the Treasury, Room 6069, Office of Equal Opportunity Program, 1500 Pennsylvania Avenue NW., Washington, DC 20220  
 Phone: 202 622-1170

**RIN:** 1505-AA83

**BILLING CODE 4810-25-S**

Department of the Treasury (TREAS)  
Financial Crimes Enforcement Network (FINCEN)

Proposed Rule Stage

**2859. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—SUSPICIOUS ACTIVITY REPORTING—BROKER/DEALERS**

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 5318(g)

CFR Citation: 31 CFR 103

Legal Deadline: None

**Abstract:** This NPRM will propose to require suspicious activity reporting by broker/dealers.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Stephen R. Kroll, Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182  
Phone: 703 905-3590  
Fax: 703 905-3735  
**RIN:** 1506-AA21

Department of the Treasury (TREAS)  
Financial Crimes Enforcement Network (FINCEN)

Final Rule Stage

**2860. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS REGARDING REPORTING OF CROSS-BORDER TRANSPORTATION OF CERTAIN MONETARY INSTRUMENTS**

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 5312(a)(3), Bank Secrecy Act

CFR Citation: 31 CFR 103

Legal Deadline: None

**Abstract:** This rule will require reporting of cross-border transportation of certain negotiable instruments.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/97	62 FR 3249
NPRM Comment Period End	04/22/97	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Stephen R. Kroll, Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA15

CFR Citation: 31 CFR 103

Legal Deadline: None

**Abstract:** This NPRM will propose to require suspicious activity reporting by casinos.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/98	63 FR 27230
Final Rule	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Stephen R. Kroll, Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA22

transactions of retail and other businesses from the requirement to report transactions in currency in excess of \$10,000. The Interim Rule is part of a continuing program to reduce unnecessary burdens upon financial institutions complying with the Bank Secrecy Act and increase the cost-effectiveness of the counter-money laundering policies of the Department of the Treasury.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/28/00	65 FR 46356
Interim Final Rule Effective	07/31/00	
Interim Final Rule Comment Period End	09/26/00	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Stephen R. Kroll, Chief Counsel, Department of the Treasury, Financial Crimes Enforcement Network, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182  
Phone: 703 905-3590  
Fax: 703 905-3735

**RIN:** 1506-AA23

**2861. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS—SUSPICIOUS ACTIVITY REPORTING—CASINOS**

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 5318(g)

CFR Citation: 31 CFR 103

Legal Deadline: None

**Abstract:** This document contains an Interim Rule that further reforms and simplifies the process by which depository institutions may exempt

**Department of the Treasury (TREAS)**  
**Financial Crimes Enforcement Network (FINCEN)**
**Long-Term Actions**
**2863. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS— REQUIREMENT THAT FINANCIAL INSTITUTIONS CARRY OUT ANTI-MONEY-LAUNDERING PROGRAMS**
**Priority:** Substantive, Nonsignificant**CFR Citation:** 31 CFR 103**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Stephen R. Kroll

Phone: 703 905-3590

Fax: 703 905-3735

**RIN:** 1506-AA05
**2864. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS— DELEGATION OF AUTHORITY TO ASSESS CIVIL MONEY PENALTIES ON DEPOSITORY INSTITUTIONS**
**Priority:** Substantive, Nonsignificant**CFR Citation:** 31 CFR 103**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Stephen R. Kroll

Phone: 703 905-3590

Fax: 703 905-3735

**RIN:** 1506-AA08
**2865. AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS— SPECIAL REPORTING AND RECORDKEEPING REQUIREMENTS— MONEY SERVICES BUSINESSES (MSBS)**
**Priority:** Substantive, Nonsignificant**CFR Citation:** 31 CFR 103**Timetable:**

Action	Date	FR Cite
NPRM	05/21/97	62 FR 27909
NPRM Comment	09/30/97	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Stephen R. Kroll

Phone: 703 905-3590

Fax: 703 905-3735

**RIN:** 1506-AA19**BILLING CODE 4820-02-S**
**Department of the Treasury (TREAS)**  
**Financial Management Service (FMS)**
**Proposed Rule Stage**
**2866. CLAIMS ON ACCOUNT OF TREASURY CHECKS**
**Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 31 USC 321; 31 USC 3328; 31 USC 3331; 31 USC 3343; 31 USC 3702; 31 USC 3712**CFR Citation:** 31 CFR 245**Legal Deadline:** None

**Abstract:** 31 CFR part 245 governs the issuance of replacement checks for checks drawn on the United States Treasury when (1) the original check has been lost, stolen, destroyed or mutilated or defaced to such an extent that it is rendered non-negotiable; (2) the original check has been negotiated and paid on a forged or unauthorized indorsement; and (3) the original check has been cancelled pursuant to 31 CFR part 240. The regulation is being revised to update the regulation's definitions to make them consistent with the language of the proposed revisions to the definitions in 31 CFR part 240. Other revisions will govern

the use of the Check Forgery Insurance Fund (Fund). The Fund is a revolving fund established to settle payee claims of non-receipt where the original check has been fraudulently negotiated. The Fund ensures that innocent payees, whose Treasury checks have been fraudulently cashed, receive replacement checks in a timely manner.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Ella White, Customer

Liaison Specialist, Department of the

Treasury, Financial Management

Service, Room 8D25, 3700 East-West

Highway, Hyattsville, MD 20782

Phone: 202 874-7475

**RIN:** 1510-AA51
**2867. PUBLIC DISSEMINATION OF IDENTITY OF DELINQUENT DEBTORS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 321; 31 USC 3720E**CFR Citation:** 31 CFR 285.14**Legal Deadline:** None

**Abstract:** This rule implements the authority provided in the Debt Collection Improvement Act for Federal Agencies to publicly disseminate information regarding the identity of delinquent debtors.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Gerry Isenberg,

Financial Program Specialist, Debt

Management Service, Department of the

Treasury, Financial Management

Service, Room 44AB, 401 14th Street

SW., Washington, DC 20227

Phone: 202 874-7131

**RIN:** 1510-AA72
**2868. • PAYMENT OF FEDERAL TAXES AND THE TREASURY TAX AND LOAN PROGRAM**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 90; 12 USC 265; 12 USC 266; 12 USC 321; 12 USC 323; 12 USC 332; 12 USC 391; 12 USC

## TREAS—FMS

## Proposed Rule Stage

1452(d); 12 USC 1464(k); 12 USC 1767; 12 USC 1789(a); 12 USC 2013; 12 USC 2122; 12 USC 3102; 12 USC 6302; 31 USC 3301; 31 USC 3302; 31 USC 3303; 31 USC 3304

**CFR Citation:** 31 CFR 203

**Legal Deadline:** None

**Abstract:** These revisions will provide needed updates to support operational changes to the system used for the collection of corporate withholding taxes and the investment of the Government's excess operating funds; streamline the regulation by converting to the plain language standard; and incorporate other needed updates.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
Final Action	05/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, Department of the Treasury, Financial Management Service, Room 420, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-6657

**RIN:** 1510-AA83

**2869. • FEDERAL GOVERNMENT PARTICIPATION IN THE AUTOMATED CLEARINGHOUSE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5525; 12 USC 391; 31 USC 321; 31 USC 3301; 31 USC 3302; 31 USC 3321; 31 USC 3332; 31 USC 3335; 31 USC 3720

**CFR Citation:** 31 CFR 210

**Legal Deadline:** None

**Abstract:** These revisions will provide needed updates to support movement

of ACH transactions on the internet for Federal collections and payments, and the use of check truncation and check conversion in Federal collections.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, Department of the Treasury, Financial Management Service, Room 420, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-6657

**RIN:** 1510-AA84

**Department of the Treasury (TREAS)**

**Final Rule Stage**

**Financial Management Service (FMS)**

**2870. RULES AND PROCEDURES FOR EFFICIENT FEDERAL-STATE FUNDS TRANSFERS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 5 USC 301; 31 USC 321; 31 USC 3335; 31 USC 6501; 31 USC 6503

**CFR Citation:** 31 CFR 205

**Legal Deadline:** None

**Abstract:** This regulation governs the transfer of Federal assistance funds to State governments and implements the Cash Management Improvement Act of 1990, as amended. Revisions to the regulation will address concerns raised by both States and Federal agencies about intergovernmental financing. Rules and procedures for funds transfers will be revised to provide more options and greater flexibility.

**Timetable:**

Action	Date	FR Cite
NPRM	10/12/00	65 FR 60796
Final Action	05/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Agency Contact:** Sally Phillips, Financial Program Specialist, Cash Management Policy & Planning Division, Department of the Treasury, Financial Management Service, Room 403, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-7106

**RIN:** 1510-AA38

**2871. INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE UNITED STATES TREASURY**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

**Legal Authority:** 5 USC 301; 12 USC 391; 31 USC 321; 31 USC 3327; 31 USC 3328; 31 USC 3331; 31 USC 3334; 31 USC 3343; 31 USC 3702; 31 USC 3702 note; 31 USC 3711; 31 USC 3712; 31 USC 3716; 31 USC 3717; 318 US 363 (1943); 332 US 234 (1947)

**CFR Citation:** 31 CFR 240

**Legal Deadline:** None

**Abstract:** Notice of proposed rulemaking II (NPRM II) was a reissuance of NPRM I published on 9/21/95, which proposed to fix the time by which Treasury can decline payment on Treasury checks, provide financial institutions with a date certain for final payments, and provide greater clarity by defining previously undefined terms. NPRM I also proposed that the Department of the Treasury may instruct Federal Reserve Banks to intercept benefit payment checks to deceased payees and to return, unpaid, those checks. In addition to the revisions proposed in NPRM I, NPRM II announced the Department of the Treasury's intent that this regulation supersede Federal common law regarding the risk of loss on checks containing forged disbursing officer

## TREAS—FMS

Final Rule Stage

signatures, such as counterfeits. The Interim Final Rule will amend this regulation to implement provisions of the Debt Collection Improvement Act of 1996 authorizing the collection of debts owed by presenting banks through Treasury Check Offset. NPRM III is a reissuance of NPRM II and will address, at a minimum, the issues in NPRMs I and II.

**Timetable:**

Action	Date	FR Cite
NPRM I	09/21/95	60 FR 48940
NPRM Comment Period End	11/06/95	
NPRM II	05/30/97	62 FR 29314
Interim Final Rule	01/00/01	
NPRM III	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Lester Smalls, Manager, Reclamation Branch, Department of the Treasury, Financial Management Service, Room 700D, 3700 East-West Highway, Hyattsville, MD 20782

Phone: 202 874-7770

Email: lester.smalls@fms.treas.gov

RIN: 1510-AA45

**2872. FOREIGN EXCHANGE OPERATIONS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 22 USC 2363; 31 USC 3513; EO 10488; EO 10900**CFR Citation:** 31 CFR 281**Legal Deadline:** None

**Abstract:** This regulation governs the administration of the purchase, custody, deposit, transfer, sale and reporting of foreign exchange (including credits and currencies) by executive departments and agencies. Currently, this regulation allows the purchase of foreign currency to an amount which, together with the balance on hand in the bank, may not exceed estimated requirements for a 30-day period. The revised rule allows the purchase of foreign currency to a balance "commensurate with immediate disbursing requirements."

**Timetable:**

Action	Date	FR Cite
NPRM	01/29/96	61 FR 2750
NPRM Comment Period End	02/28/96	61 FR 2750
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Maria Guido, Senior Advisor, International Funds Branch, Department of the Treasury, Financial Management Service, Room 311D, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-8943  
Email: maria.guido@fms.treas.gov

RIN: 1510-AA48

**2873. PAYMENTS UNDER JUDGMENT AND PRIVATE RELIEF ACTS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 104-53; PL 104-316; 28 USC 2414; 28 USC 2517; 31 USC 1304**CFR Citation:** 31 CFR 256**Legal Deadline:** None

**Abstract:** This regulation governs the procedure for securing payment for money judgments against the United States. The proposed revision will update the procedure for making claims. This will benefit claimants and others in understanding the claims process. This regulation currently describes a process that involves the General Accounting Office (GAO) and the Treasury Department. The change would eliminate the GAO from this description to reflect legislative amendments that effect this change. Also, the regulation currently identifies monetary thresholds that no longer exist. The change would reflect the removal of these monetary limitations and the resulting submission requirements. These changes in the regulation would make it consistent with current practices for claimants securing money judgments against the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	01/08/96	61 FR 552

Action	Date	FR Cite
NPRM Comment Period End	02/07/96	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Wanda Rogers, Director, Financial Accounting and Services Division, Department of the Treasury, Financial Management Service, Room 620D, 3700 East-West Highway, Hyattsville, MD 20782  
Phone: 202 874-8380

Email: wanda.rogers@fms.treas.gov

RIN: 1510-AA52

**2874. FEDERAL CLAIMS COLLECTION STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3701; 31 USC 3711; 31 USC 3716; 31 USC 3717; 31 USC 3718; 31 USC 3720B**CFR Citation:** 31 CFR 900 to 904**Legal Deadline:** None

**Abstract:** The Federal Claims Collection Standards prescribe basic standards for Federal agencies for collection of nontax claims. The current standards originally were published in 1984 jointly by the Department of Justice and the General Accounting Office at 4 CFR parts 101-105. The Department of the Treasury has been added as a co-signor by the Debt Collection Improvement Act of 1996 (Act) and the General Accounting Office was removed as a co-signor by the General Accounting Office Act of 1996. This revision, which will move the standards to 31 CFR parts 900-904, is being made to simplify the language of the current standards and to incorporate changes made by the Act concerning such topics as disbursing official offset, cross-servicing of debts, interest and penalties on claims, and contracts for collection services.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/97	62 FR 68476
NPRM Comment Period End	03/02/98	
Final Action	11/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

## TREAS—FMS

## Final Rule Stage

**Agency Contact:** Gerry Isenberg, Financial Program Specialist, Debt Management Service, Department of the Treasury, Financial Management Service, Room 44AB, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-7131

**RIN:** 1510-AA57

### 2875. OFFSET OF FEDERAL PAYMENTS (OTHER THAN TAX REFUND AND FEDERAL BENEFIT PAYMENTS) TO COLLECT PAST-DUE, LEGALLY ENFORCEABLE NONTAX DEBT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 321; 31 USC 3716

**CFR Citation:** 31 CFR 285.5

**Legal Deadline:** None

**Abstract:** This rule governs administrative offset of Federal payments by disbursing officials of the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Gerry Isenberg, Financial Program Specialist, Debt Management Service, Department of the Treasury, Financial Management Service, Room 44AB, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-7131

**RIN:** 1510-AA65

### 2876. SALARY OFFSET

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5514

**CFR Citation:** 31 CFR 285.7

**Legal Deadline:** None

**Abstract:** This rule governs the centralized computer matching of Federal Employee Records for purposes of salary offset to collect nontax delinquent debt owed the Federal Government.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/28/98	63 FR 23353
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Gerry Isenberg, Financial Program Specialist, Debt Management Service, Department of the Treasury, Financial Management Service, Room 44AB, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-7131

**RIN:** 1510-AA70

### 2877. OFFSET OF TAX REFUND PAYMENT TO COLLECT STATE INCOME TAX OBLIGATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6402(e)

**CFR Citation:** 31 CFR 285.8

**Legal Deadline:** None

**Abstract:** This rule governs the offset of Federal tax refund payments to collect delinquent State income taxes.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/20/99	64 FR 71227
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Federalism:** Undetermined

**Agency Contact:** Dean Balamaci, Director, Business and Agency Liaison Division, Department of the Treasury, Financial Management Service  
Phone: 202 874-6660

**RIN:** 1510-AA78

### 2878. PAYMENT OF FEDERAL TAXES AND THE TREASURY TAX AND LOAN PROGRAM

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 12 USC 90; 12 USC 265; 12 USC 266; 12 USC 332; 12 USC 391; 12 USC 1452(d); 12 USC 1464(k); 12 USC 1767; 12 USC 1789(a)

**CFR Citation:** 31 CFR 203

**Legal Deadline:** None

**Abstract:** This rule proposes to change the Treasury Tax and Loan (TT&L) interest rate from the Federal funds rate, less 25 basis points, to a rate based on the overnight repurchase agreement rate. The prevailing overnight rate in the repurchase market has closely

tracked the Federal funds rate on average during the last two years. Based on these statistics, using the overnight repurchase agreement rate would compensate the Treasury adequately for the use of the TT&L note balances on a basis which is similar to the market interest rate for collateralized lending.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/99	64 FR 41747
NPRM Comment Period End	09/28/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, Department of the Treasury, Financial Management Service, Room 420, 401 14th Street SW., Washington, DC 20227  
Phone: 202 874-6657

**RIN:** 1510-AA79

### 2879. FEDERAL GOVERNMENT PARTICIPATION IN THE AUTOMATED CLEARINGHOUSE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5525; 12 USC 391; 31 USC 321; 31 USC 3301; 31 USC 3302; 31 USC 3321; 31 USC 3332; 31 USC 3335; 31 USC 3720

**CFR Citation:** 31 CFR 210

**Legal Deadline:** None

**Abstract:** This revision of 31 CFR part 210 will reconcile Government Automated Clearing House (ACH) regulations and private industry rules as set forth by the National Automated Clearing House Association, by updating the incorporation of certain industry rules into Federal law for the year 2001.

**Timetable:**

Action	Date	FR Cite
Final Rule	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, Department of the Treasury, Financial Management

## TREAS—FMS

## Final Rule Stage

Service, Room 420, 401 14th Street  
SW., Washington, DC 20227  
Phone: 202 874-6657

RIN: 1510-AA81

**2880. OFFSET OF TAX REFUND  
PAYMENTS TO COLLECT STATE  
INCOME TAX OBLIGATIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 6402(e)

CFR Citation: 31 CFR 285.8

Legal Deadline: None

Abstract: This rule governs the offset of Federal tax refund payments to collect delinquent State income taxes.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/99	64 FR 71233
Final Action	12/00/00	

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: State,  
Federal

Federalism: Undetermined

Agency Contact: Dean Balamaci,  
Director, Business and Agency Liaison  
Division, Department of the Treasury,  
Financial Management Service  
Phone: 202 874-6660

RIN: 1510-AA82

**Department of the Treasury (TREAS)  
Financial Management Service (FMS)**

**Long-Term Actions**

**2881. OFFSET OF FEDERAL  
PAYMENTS (OTHER THAN TAX  
REFUND AND FEDERAL BENEFIT  
PAYMENTS) TO COLLECT PAST-DUE  
DEBTS OWED TO STATES (OTHER  
THAN CHILD SUPPORT)**

Priority: Substantive, Nonsignificant

CFR Citation: 31 CFR 285.6

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: State

Federalism: Undetermined

Agency Contact: Gerry Isenberg

Phone: 202 874-7131

RIN: 1510-AA66

**Department of the Treasury (TREAS)  
Financial Management Service (FMS)**

**Completed Actions**

**2882. DEPOSITARIES AND FINANCIAL  
AGENTS OF THE FEDERAL  
GOVERNMENT**

Priority: Substantive, Nonsignificant

CFR Citation: 31 CFR 202; 31 CFR 380

**Completed:**

Reason	Date	FR Cite
Final Action	09/13/00	65 FR 55427

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

Agency Contact: Cynthia L. Johnson  
Phone: 202 874-6657

RIN: 1510-AA75

**Completed:**

Reason	Date	FR Cite
Final Action	09/13/00	65 FR 55428

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

Agency Contact: Cynthia L. Johnson  
Phone: 202 874-6657

RIN: 1510-AA76

**2884. ACCEPTANCE OF BONDS  
SECURED BY GOVERNMENT  
OBLIGATIONS IN LIEU OF BONDS  
WITH SURETIES**

Priority: Substantive, Nonsignificant

CFR Citation: 31 CFR 225; 31 CFR 380

**Completed:**

Reason	Date	FR Cite
Final Action	09/13/00	65 FR 55429

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

Agency Contact: Cynthia L. Johnson  
Phone: 202 874-6657

RIN: 1510-AA77

**2885. REGULATIONS GOVERNING  
FEDSELECT CHECK**

Priority: Substantive, Nonsignificant

CFR Citation: 31 CFR 247

**Completed:**

Reason	Date	FR Cite
Notice	04/19/00	65 FR 20905

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: State,  
Federal

Agency Contact: Cynthia L. Johnson  
Phone: 202 874-6657

RIN: 1510-AA80

BILLING CODE 4810-35-S

**2883. PAYMENT OF FEDERAL TAXES  
AND THE TREASURY TAX AND LOAN  
PROGRAM**

Priority: Substantive, Nonsignificant

CFR Citation: 31 CFR 203; 31 CFR 380

Department of the Treasury (TREAS)  
Bureau of Alcohol, Tobacco and Firearms (BATF)

Prerule Stage

## ALCOHOL

**2886. • ALCOHOL BEVERAGE HEALTH WARNING STATEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205, 215

**CFR Citation:** 27 CFR 16

**Legal Deadline:** None

**Abstract:** ATF is considering amending the regulations concerning the placement, legibility and noticeability

of the congressionally mandated health warning statement required to appear on the labels of all containers of alcohol beverages. Based on a petition we have received, we wish to gather information by inviting comments from the public and industry as to whether the existing regulations should be revised.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AC12

Department of the Treasury (TREAS)  
Bureau of Alcohol, Tobacco and Firearms (BATF)

Proposed Rule Stage

## ALCOHOL

**2887. REVISION OF BREWERY REGULATIONS AND ISSUANCE OF REGULATIONS FOR TAVERNS ON BREWERY PREMISES (BREWPUBS)**

**Regulatory Plan:** This entry is Seq. No. 106 in Part II of this issue of the Federal Register.

**RIN:** 1512-AB37

Email: mdruhfh[at]fhq.atf.treas.gov

**RIN:** 1512-AB75

**2889. ALTERATION OF LABELS ON CONTAINERS OF DISTILLED SPIRITS, WINE AND BEER**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5301; 26 USC 7805; 27 USC 205

**CFR Citation:** 27 CFR 4; 27 CFR 5; 27 CFR 7

**Legal Deadline:** None

**Abstract:** ATF proposes to amend the regulations in 27 CFR parts 4, 5, and 7. The proposed amendments to the regulations will require that a lot identification code be placed on the label or container of all wine, malt beverage and distilled spirits products. The lot identification code will be a mandatory item of information and it will be illegal to remove or alter the codes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel J. Hiland, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB76

**2890. PROHIBITION OF ALCOHOL BEVERAGE CONTAINERS AND STANDARD OF FILL FOR DISTILLED SPIRITS AND WINE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4; 27 CFR 5; 27 CFR 7

**Legal Deadline:** None

**Abstract:** ATF proposes to amend regulations to clarify the standards of fill for distilled spirits and wine. ATF also proposes to amend regulations to prohibit certain alcohol beverage containers that are likely to mislead consumers as to the identity or character of the distilled spirits, wine or malt beverage products or are likely to be confused with other (nonalcohol) food products.

**Timetable:**

Action	Date	FR Cite
NPRM	02/09/99	64 FR 6486
NPRM Comment Period End	04/12/99	
Revised NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** William Foster, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB89

**2888. IMPLEMENTATION OF PUBLIC LAW 105-34, SECTIONS 1421 AND 1422**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 24; 27 CFR 25; 27 CFR 250; 27 CFR 251

**Legal Deadline:** None

**Abstract:** This notice implements section 1421 and 1422 of the Taxpayer Relief Act of 1997. This will permit importation in bond of bulk containers of wine and beer.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

## TREAS—BATF

## Proposed Rule Stage

**2891. AMENDED STANDARD OF IDENTITY FOR SHERRY****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 4**Legal Deadline:** None**Abstract:** ATF is considering a petition to allow certain types of wine to be labeled as “sherry” rather than “light sherry.”**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marjorie D. Ruhf, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210  
Email: mdruhfhq@atfhq.atf.treas.gov**RIN:** 1512-AB96**2892. PROCESSES AUTHORIZED FOR THE TREATMENT OF WINE, JUICE AND DISTILLING MATERIAL.****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 5381; 26 USC 5382; 26 USC 5385; 26 USC 5386; 26 USC 5387**CFR Citation:** 27 CFR 24**Legal Deadline:** None**Abstract:** ATF will issue a notice of proposed rulemaking proposing to add the addition of grape skin extract to the list of processes authorized for the treatment of wine, juice and distilling material.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jennifer Berry, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210**RIN:** 1512-AC05**FIREARMS****2893. COMMERCE IN EXPLOSIVES (INCLUDING EXPLOSIVES IN THE FIREWORKS INDUSTRY)****Regulatory Plan:** This entry is Seq. No. 107 in Part II of this issue of the **Federal Register**.**RIN:** 1512-AB48**2894. IMPLEMENTATION OF PUBLIC LAW 104-208, THE OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997, RELATING TO THE ESTABLISHMENT OF A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 846(b)**CFR Citation:** 27 CFR 55**Legal Deadline:** None**Abstract:** ATF will issue this temporary rule to implement certain provisions of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997 (the Act), enacted September 30, 1996. The Act amended the Federal explosives laws in 18 U.S.C. chapter 40, to require all Federal agencies to report to ATF any information involving arson or the suspected criminal misuse of explosives. The Act also authorizes ATF to establish a repository for this information. In addition, the law provides that such repository will contain information on incidents voluntarily reported to ATF by State and local authorities.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210**RIN:** 1512-AB73**2895. IMPLEMENTATION OF PUBLIC LAW 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERG. SUPPLEMENTAL APPROPRIATIONS FOR FY 1999, RELATING TO THE PERMANENT PROVISIONS OF THE BRADY HANDGUN VIOLENCE PREVENTION ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)**CFR Citation:** 27 CFR 178**Legal Deadline:** None**Abstract:** ATF will amend the regulations to implement the provision of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, relating to the permanent provisions of the Brady Handgun Violence Prevention Act. The new law allows a licensed pawnbroker to contact the national instant criminal background check system (NICS) prior to taking or receiving a firearm in pawn. If NICS advises the pawnbroker that receipt or possession of the firearm would be in violation of the law, the licensee must advise local law enforcement within 48 hours after receipt of information.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Interim Final Rule	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210**RIN:** 1512-AB83**2896. PUBLIC LAW 105-277, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FY99, RELATING TO FIREARMS DISABILITIES FOR NONIMMIGRANT ALIENS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)

## TREAS—BATF

## Proposed Rule Stage

**CFR Citation:** 27 CFR 178**Legal Deadline:** None

**Abstract:** ATF will issue a temporary rule amending the regulations to implement the provisions of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999. The regulations implement the law by prohibiting, with certain exceptions, the transfer to and possession of firearms by aliens admitted to the United States under a nonimmigrant visa. Regulations are also prescribed with regard to applicants for dealer's licenses to certify that secure gun storage or safety devices will be available at any place where firearms are sold to nonlicensed individuals, and an amended definition of "antique firearm" to include certain muzzle loading firearms.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Interim Final Rule	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB93**PROCEDURAL****2897. • DELEGATION OF AUTHORITY IN PART 70****Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 7805**CFR Citation:** 27 CFR 70**Legal Deadline:** None

**Abstract:** This final rule places most ATF authorities contained in 27 CFR 70 with the "appropriate ATF officer," and requires that persons file documents required by part 70 with the

"appropriate ATF officer," or in accordance with the instructions on the ATF form.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AC19**2898. • DELEGATION OF AUTHORITY IN 27 CFR PART 13****Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 27 USC 205(e); 26 USC 5301; 26 USC 7805**CFR Citation:** 27 CFR 13**Legal Deadline:** None

**Abstract:** This final rule places all ATF authorities contained in 27 CFR 13 with the "appropriate ATF officer," and requires that persons file documents required by part 13 with the "appropriate ATF officer," or in accordance with the instructions on the ATF form. This final rule removes the definitions to specific officers subordinate to the Director. This rule also adds a new section 13.20 about ATF forms and makes a typographical amendment clarifying section 13.72(b).

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Lisa Marie Gesser, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226

Phone: 202 927-8210

**RIN:** 1512-AC21**TOBACCO PRODUCTS****2899. • PROHIBITED MARKS ON PACKAGES OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES IMPORTED OR BROUGHT INTO THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 5723**CFR Citation:** 27 CFR 275**Legal Deadline:** None

**Abstract:** This notice proposes a new rule that will prohibit any mark on packages of tobacco products and cigarette papers and tubes imported or brought into the United States (U.S.) indicating that U.S. tax has not been paid or that the product is not intended for sale or use in the U.S. Because current regulations only prohibit a marking on such packages that state or indicate that U.S. tax has been paid, U.S. tax-exempt and prohibiting sale or use in the U.S. packages of such products are being imported or brought into the U.S. ATF and U.S. Customs Service have encountered problems with these packages when ensuring that Federal excise tax has been paid and enforcing the provisions of section 5761(c) of the Internal Revenue Code of 1986 (title 26 of the United States Code). The proposed regulations will minimize the problems associated with such markings on tobacco products and cigarette papers and tubes imported or brought into the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AC14

## TREAS—BATF

## Proposed Rule Stage

**2900. • DETERMINATION OF TAX AND RECORDKEEPING ON LARGE CIGARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 5701 and 5702**CFR Citation:** 27 CFR 270; 27 CFR 275**Legal Deadline:** None

**Abstract:** This notice incorporates the parts of ATF Industry Circular 91-3, dated March 19, 1991, entitled "Large Cigar Taxes On and After January, 1991" that have not been placed in the regulations. ATF Industry Circular 91-3 addressed questions about determining the amount of tax for a large cigars based on their sale price. In addition, this notice proposes: (1) to give guidance on tax adjustments for large cigars provided at no cost in connection with a sale, and (2) recordkeeping requirements for persons in Puerto Rico, who bring large cigars upon prepayment or deferred payment of tax into the United States from Puerto Rico.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AC22**2901. • TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES SHIPPED FROM PUERTO RICO TO THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 5701; 27 USC 7652**CFR Citation:** 27 CFR 275**Legal Deadline:** None

**Abstract:** This temporary rule eliminates ATF onsite supervision of tobacco products and cigarette papers and tubes of Puerto Rican manufacture that are shipped from Puerto Rico to the United States and related ATF forms. Specifically, this temporary rule eliminates the requirements: (1) that

persons who ship such articles notify ATF prior to the shipment, and (2) that an ATF officer inspects, certifies that the amount of tax on such articles has been calculated correctly for, and releases, each shipment. Consequently, four ATF forms are eliminated. However, this rule requires that persons who ship such articles maintain records so that the amount of tax is calculated and recorded for ATF audit and examination. Also, this temporary rule revises certain sections to simplify and clarify and corrects a few errors.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
Interim Final Rule	11/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AC24

## Department of the Treasury (TREAS)

## Final Rule Stage

## Bureau of Alcohol, Tobacco and Firearms (BATF)

## ALCOHOL

**2902. AMERICAN VITICULTURAL AREAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 27 USC 205**CFR Citation:** 27 CFR 9**Legal Deadline:** None

**Abstract:** This rule establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

**Timetable:**

**Applegate Valley, OR**  
NPRM 05/06/99 (64 FR 24308)  
NPRM Comment Period End 07/06/99  
Final Action 11/00/00

**Buena Vista Lake, CA (contact Jackie White)**  
NPRM 11/00/00

**California Coast, CA (contact Tom Busey)**  
NPRM 09/26/00 (65 FR 57763)

**Chiles Valley, CA (contact Thomas Busey)**

NPRM 03/20/98 (63 FR 13583)  
Comment Period End 05/19/98  
Final Action 02/17/99 (64 FR 7785)

**Diamond Mountain, CA**

NPRM 09/29/99 (64 FR 52483)  
NPRM Comment Period End 01/28/00  
Final Action 11/00/00

**Fair Play (contact Lisa Gesser)**

NPRM 07/25/00 (65 FR 45739)  
NPRM Comment Period End 09/23/00

**Long Island (contact Lisa Gesser)**

NPRM 11/00/00

**Oak Knoll District, CA (contact Joyce Drake)**

NPRM 11/00/00

**River Junction, CA (contact Tim DeVanney)**

NPRM 08/10/00 (65 FR 48953)

**San Francisco Bay, CA (contact David Brokaw)**

NPRM 10/20/97 (62 FR 54399)  
Comment Period End 01/20/98  
Final Action 01/20/99 (64 FR 3015)  
Final Rule 01/20/99 (64 FR 3015)

**Santa Rita Hills, CA (contact Marsha Baker)**

NPRM 09/11/98 (63 FR 48658)  
Comment Period End 12/10/98  
Final Rule 11/00/00

**West Elks (contact Lisa Gesser)**

NPRM 10/16/00 (65 FR 61129)

**Yountville, CA (contact Thomas Busey)**

NPRM 08/26/98 (63 FR 45427)  
Final Rule 03/19/99 (64 FR 13511)

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** See Supplemental Timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8230

**RIN:** 1512-AA07**2903. LABELING OF UNAGED GRAPE BRANDY****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

## TREAS—BATF

## Final Rule Stage

duplication, or streamline requirements.

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 5

**Legal Deadline:** None

**Abstract:** ATF proposes to amend the regulations to permit the use of the word “unaged” as an alternative to “immature,” to describe grape brandy that has not been stored in oak containers.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/96	61 FR 30015
NPRM Comment Period End	09/11/96	
Final Action	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficareta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB46

**2904. DISTILLED SPIRITS PLANT REGULATORY INITIATIVE PROPOSAL**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 19.11; 27 CFR 19.1003; 27 CFR 19.1010; 27 CFR 19.49; 27 CFR 19.153; 27 CFR 19.201 to 206; 27 CFR 19.311; 27 CFR 19.454; 27 CFR 19.605; 27 CFR 19.770; 27 CFR 19.1001

**Legal Deadline:** None

**Abstract:** ATF proposes changes to the distilled spirits plant regulations to implement the Administration’s Reinventing Government effort to reduce the regulatory burden and streamline requirements. ATF believes these proposed changes will benefit distilled spirits plant proprietors and other industry members by enabling them to operate more easily and with less regulatory oversight from the Government. ATF is also requesting comments on the possibility of revising

the distilled spirits plant recordkeeping requirements to accomplish the Government’s goals through a system that would be based, as much as possible, on proprietors’ own recordkeeping methods.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/98	63 FR 65720
NPRM Comment Period End	01/29/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Steve Simon, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB58

**2905. IMPLEMENTATION OF WINE CREDIT PROVISIONS OF PUBLIC LAW 104-188**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552(a); 26 USC 5041

**CFR Citation:** 27 CFR 24.278; 27 CFR 24.279

**Legal Deadline:** None

**Abstract:** ATF is amending wine regulations to implement a change in the law that allows certain transferees in bond to deduct the tax credit for small wine producers. Changes to bond calculations are also included in this regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	06/02/97	62 FR 29681
Interim Final Rule	06/02/97	62 FR 29663
NPRM Comment Period End	08/01/97	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210  
Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AB65

**2906. IMPLEMENTATION OF PUBLIC LAW 105-34, SECTION 1417, RELATED TO THE USE OF AMELIORATING MATERIAL IN CERTAIN WINES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-34, sec 1417

**CFR Citation:** 27 CFR 24.178; 27 CFR 4.21; 27 CFR 4.22

**Legal Deadline:** None

**Abstract:** The wine regulations are amended to extend the amelioration and sweetening limitations of wines made from any fruit or berry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/99	64 FR 50265
Interim Final Rule	09/16/99	64 FR 50252
Final Action	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jennifer Berry, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB78

**2907. HEALTH CLAIMS AND OTHER HEALTH RELATED STATEMENTS IN THE LABELING AND ADVERTISING OF ALCOHOL BEVERAGES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4; 27 CFR 5; 27 CFR 7

**Legal Deadline:** None

**Abstract:** ATF proposes to amend the regulations to prohibit the appearance on labels or in advertisements of any statement that makes a substantive claim regarding health benefits associated with the consumption of alcohol beverages unless such claim is properly qualified. This notice also addresses the use of directional health-related statements and seeks comments on whether the negative consequences of alcohol consumption, or abuse disqualify these products entirely from entitlement to any health-related statements.

## TREAS—BATF

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	10/25/99	64 FR 57413
NPRM Comment Period End	02/22/00	
Final Action	02/00/01	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AB97

**2908. NEW GRAPE VARIETAL (DORNFELDER)**

Priority: Substantive, Nonsignificant

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.91

Legal Deadline: None

**Abstract:** ATF has received a petition proposing to add a new name, "Dornfelder," to the list of prime grape variety names for use in designating American wines.

**Timetable:**

Action	Date	FR Cite
NPRM	03/09/00	65 FR 12490
Final Action	10/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Jennifer Berry, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AC03

**FIREARMS****2909. COMMERCE IN FIREARMS AND AMMUNITION (OMNIBUS CONSOLIDATED APPROPRIATIONS ACT OF 1997)**

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 847; 18 USC 921 to 930

CFR Citation: 27 CFR 178

Legal Deadline: None

**Abstract:** The Omnibus Consolidated Appropriations Act of 1997 contains amendments to the Gun Control Act of 1968 (18 U.S.C. chapter 44). These amendments add to the category of "prohibited persons" anyone convicted of a "misdemeanor crime of domestic violence." The amendments require individuals acquiring handguns from Federal firearms licenses to certify (in accordance with the Brady Law) that they have not been convicted of such a crime. The amendments also provide for sales between Federal firearms licensees of curio and relic firearms away from their licensed premises.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/98	63 FR 35551
Interim Final Rule	06/30/98	63 FR 35520
NPRM Comment Period End	09/28/98	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AB64

**2910. RESIDENCY REQUIREMENT FOR PERSONS ACQUIRING FIREARMS**

Priority: Other Significant

Legal Authority: 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)

CFR Citation: 27 CFR 178

Legal Deadline: None

**Abstract:** The temporary rule amends the regulations to provide for a firearms purchaser's affirmative statement of his or her State of residence on ATF Form 4473 (Firearms Transaction Record) and ATF Form 5300.35 (Statement of Intent to Obtain a Handgun) in acquiring a firearm from a Federal firearms licensee. The temporary rule also amends the regulations to require that aliens purchasing a firearm provide proof of residency through the use of substantiating documentation, such as utility bills or a lease agreement. In

addition, the regulations are being amended to require that licensees examine a photo identification document from aliens purchasing firearms. These regulations implement President Clinton's March 5, 1997 announcement of firearms initiatives intended to protect the American public from gun violence.

**Timetable:**

Action	Date	FR Cite
NPRM	04/21/97	62 FR 19446
Interim Final Rule	04/21/97	62 FR 19442
NPRM Comment Period End	07/21/97	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AB66

**2911. IDENTIFICATION MARKINGS PLACED ON FIREARMS**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552(a); 18 USC 847; 18 USC 921 to 930; 44 USC 3504(h)

CFR Citation: 27 CFR 178; 27 CFR 179

Legal Deadline: None

**Abstract:** ATF proposes to amend the regulations to prescribe minimum height and depth requirements for identification markings placed on firearms by licensed importers and licensed manufacturers. ATF believes that minimum standards are necessary to ensure that firearms are properly identified in accordance with the law. In addition, the proposed standards, if adopted, will facilitate ATF's ability to trace the origin of firearms used in crime.

**Timetable:**

Action	Date	FR Cite
NPRM	06/23/99	64 FR 33450
NPRM Comment Period End	09/21/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

## TREAS—BATF

## Final Rule Stage

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB84

### 2912. • COMMERCE IN FIREARMS AND AMMUNITION—ANNUAL INVENTORY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552(a); 18 USC 847; 18 USC 921-930; 44 USC 3504(h)

**CFR Citation:** 27 CFR 178

**Legal Deadline:** None

**Abstract:** ATF is proposing to amend the regulations to require Federally licensed importers, manufacturers, and dealers of firearms to take at least one physical inventory each year. The proposed regulations also specify the circumstances under which these licensees must conduct a special physical inventory. In addition, these proposed regulations clarify who is responsible for reporting a firearm that is stolen or lost in transit between licensees.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/00	65 FR 52054
Final Action	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Ficaretta, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AC08

### PROCEDURAL

### 2913. IMPLEMENTATION OF THE PAPERWORK REDUCTION ACT

**Priority:** Info./Admin./Other

**Legal Authority:** 44 USC 3502

**CFR Citation:** 5 CFR 1320.7(f)(2)

**Legal Deadline:** None

**Abstract:** This final rule adds approved control numbers issued by OMB for

collections of information imposed by regulations administered by ATF for parts 4, 5 and 7 of the CFR.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy M. Kern, Writer-Editor, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB90

### 2914. DELEGATION OF AUTHORITY IN 27 CFR PART 18

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 27 CFR 18

**Legal Deadline:** None

**Abstract:** This final rule places most ATF authorities contained in 27 CFR part 18 with the “appropriate ATF officer,” and requires that persons file documents with “the appropriate ATF officer.” Also, this rule removes the definitions of, and references to, specific officers subordinate to the Director.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy M. Kern, Writer-Editor, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AB99

### 2915. DELEGATION OF AUTHORITY IN 27 CFR PART 47

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 22 USC 2778

**CFR Citation:** 27 CFR 47

**Legal Deadline:** None

**Abstract:** This final rule places most ATF authorities contained in part 47, title 27, Code of Federal Regulations (CFR), with the “appropriate ATF officer.” This rule also requires that persons file documents required by part 47 with the “appropriate ATF officer,” or in accordance with the ATF form.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy M. Kern, Writer-Editor, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

**RIN:** 1512-AC04

### 2916. DELEGATION OF AUTHORITY IN 27 CFR PART 19

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 27 CFR 19

**Legal Deadline:** None

**Abstract:** This final rule places most ATF authorities contained in 27 CFR part 19 with the “appropriate ATF officer,” and requires that persons file documents with the “appropriate ATF officer.” Also, this rule removes definitions of, and references to, specific officers subordinate to the Director.

## TREAS—BATF

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AC06

**2917. • DELEGATION OF AUTHORITY IN PARTS 20, 21 AND 22**

Priority: Info./Admin./Other

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 20; 27 CFR 21; 27 CFR 22

Legal Deadline: None

**Abstract:** This final rule places all ATF authorities contained in parts 20, 21 and 22, title 27, Code of Federal Regulations (CFR), with the “appropriate ATF officer,” and requires that persons file documents required by such parts with the “appropriate ATF officer,” or in accordance with the instructions for the ATF form. Also, this final rule removes the definitions of, and references to, specific officers subordinate to the Director and the word “region.”

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AC13

**2918. • TECHNICAL AMENDMENTS TO 27 CFR PARTS 4, 9, 24, 70 AND 275**

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: 27 CFR 4; 27 CFR 9; 27 CFR 24; 27 CFR 70; 27 CFR 275

Legal Deadline: None

**Abstract:** This final rule makes technical amendments to revise parts 4, 9, 24, 70 and 275 of title 27, Code of Federal Regulations.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Nancy M. Kern, Writer-Editor, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AC15

**2919. • DELEGATION OF AUTHORITY IN 27 CFR PART 30**

Priority: Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 30

Legal Deadline: None

**Abstract:** This final rule places all ATF authorities contained in part 30, title 27, Code of Federal Regulations (CFR), with the “appropriate ATF officer.”

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Lisa Marie Gesser, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AC16

**2920. • DELEGATION OF AUTHORITY IN 27 CFR PART 53**

Priority: Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 4181, 4182, 4216, 4219, 4221-4223; 26 USC 4225, 6001, 6011, 6020, 6021, 6061, 6071; 26 USC 6081, 6091, 6101-6104, 6109, 6151; 26 USC 6155, 6161, 6301-6303, 6311, 6402, 6404; 26 USC 6416, 7502

CFR Citation: 27 CFR 53

Legal Deadline: None

**Abstract:** This final rule places all authorities contained in part 53, title 27, Code of Federal Regulations (CFR), with the “appropriate ATF officer,” and requires that persons file documents required by 27 CFR part 53 with the “appropriate ATF officer,” or in accordance with the instructions on the ATF form. This final rule removes definitions of, and references to, specific officers and the word “region.” It also renumbers ATF form 5300.29 to ATF form 5600.28.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Lisa Marie Gesser, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
Phone: 202 927-8210

RIN: 1512-AC18

**2921. • DELEGATION OF AUTHORITY IN PART 25**

Priority: Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 25

Legal Deadline: None

## TREAS—BATF

## Final Rule Stage

**Abstract:** This final rule places ATF authorities in part 25, title 27, Code of Federal Regulations (CFR), with the “appropriate ATF officer,” and requires that persons file documents required by part 25 with the “appropriate ATF officer,” or in accordance with the instructions on the ATF form. Also, this final rule removes the definitions of, and references to, specific officers subordinate to the Director and the word “region.”

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert P. Ruhf, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 Phone: 202 927-8210

**RIN:** 1512-AC20

**2922. • DELEGATION OF AUTHORITY IN 27 CFR PART 170**

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 5002; 26 USC 5101; 26 USC 5102; 26 USC 5179; 26 USC 5291; 26 USC 5601; 26 USC 5615; 26 USC 5687; 26 USC 7805

**CFR Citation:** 27 CFR 170

**Legal Deadline:** None

**Abstract:** This final rule places all ATF authorities contained in part 170, title 27, Code of Federal Regulations (CFR), with the “appropriate ATF officer,” and requires that persons file documents required by part 170 with the “appropriate ATF officer”. Also, this rule removes the definitions of, and references to, specific officers subordinate to the Director.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lisa Marie Gesser, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 Phone: 202 927-8210

**RIN:** 1512-AC23

**TOBACCO PRODUCTS****2923. BALANCED BUDGET ACT OF 1997, PUBLIC LAW 105-33, RESTRICTION ON THE IMPORTATION OF DOMESTIC TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES RETURNED TO THE UNITED STATES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5704(b); 26 USC 5704(d); 26 USC 5754; 26 USC 5702(k); 26 USC 5761(c); PL 105-33

**CFR Citation:** 27 CFR 200; 27 CFR 270; 27 CFR 275; 27 CFR 290

**Legal Deadline:** Final, Statutory, January 1, 2000.

**Abstract:** This rule restricts the reimportation of tobacco products, cigarette papers and tubes. These products may only be returned for delivery to a manufacturer of tobacco products or cigarette papers and tubes or to the proprietor of an export warehouse.

It requires mandatory export markings on tobacco products, cigarette papers and tubes.

Finally, it identifies additional penalties for relanding of tobacco products, cigarette papers and tubes, labeled or shipped for export.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/22/99	64 FR 71918
Interim Final Rule Comment Period End	02/22/00	
Reopening of Comment Period Ended	04/20/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Daniel J. Hiland, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 Phone: 202 927-8210

**RIN:** 1512-AB81

**2924. IMPLEMENTATION OF PUBLIC LAW 105-33, SECTION 9302, REQUIRING THE QUALIFICATION OF TOBACCO PRODUCT IMPORTERS AND MISCELLANEOUS TECHNICAL AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 5712; 26 USC 5713

**CFR Citation:** 27 CFR 275

**Legal Deadline:** NPRM, Statutory, December 22, 1999.

Final, Statutory, December 22, 1999.

**Abstract:** These regulations will implement section 9302 provisions of Public Law 105-33, requiring permits for businesses engaged in importing tobacco products. Also, minor technical amendments have been included in this rule.

**Timetable:**

Action	Date	FR Cite
NPRM	12/22/99	64 FR 71942
Interim Final Rule	12/22/99	64 FR 71947
Interim Final Rule Effective	01/01/00	
Interim Final Rule Comment Period End	02/22/00	
Final Rule	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Cliff A. Mullen, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 Phone: 202 927-8210

**RIN:** 1512-AC07

## Department of the Treasury (TREAS)

## Long-Term Actions

## Bureau of Alcohol, Tobacco and Firearms (BATF)

## ALCOHOL

## 2925. EXPORTATION OF LIQUORS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 252

**Timetable:**

Action	Date	FR Cite
ANPRM	09/08/92	57 FR 40887
ANPRM Comment Period End	10/08/92	
ANPRM Comment Period Extended	10/15/92	57 FR 47320
ANPRM Comment Period Extended End	12/07/92	
ANPRM	08/09/96	61 FR 41500
ANPRM Comment Period End	12/10/96	

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf  
Phone: 202 927-8210  
Email: mdruhfh@atfhq.atf.treas.gov

William Foster  
Phone: 202 927-8210

**RIN:** 1512-AA98

## 2926. ALCOHOLIC CONTENT LABELING FOR MALT BEVERAGES

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 7

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/93	58 FR 21233
Interim Final Rule	04/19/93	58 FR 21228
NPRM Comment Period End	07/19/93	
NPRM Comment Period Extended	07/19/93	
NPRM Comment Period Extended End	09/17/93	

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** William Foster  
Phone: 202 927-8210

**RIN:** 1512-AB17

## 2927. DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 22.21; 27 CFR 22.25 to 22.27; 27 CFR 22.43; 27 CFR 22.59; 27 CFR 22.60; 27 CFR 22.62; 27 CFR 22.63; 27 CFR 22.68; 27 CFR 22.152

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/96	61 FR 30019
NPRM Comment Period End	08/12/96	

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood  
Phone: 202 927-8185

**RIN:** 1512-AB51

## 2928. DISTRIBUTION OF DENATURED ALCOHOL AND RUM

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 20

**Timetable:**

Action	Date	FR Cite
ANPRM	06/13/96	61 FR 30019
ANPRM Comment Period End	08/12/96	

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood  
Phone: 202 927-8185

**RIN:** 1512-AB57

## 2929. PRODUCTION OF VOLATILE FRUIT FLAVORED CONCENTRATE

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 18.56

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/96	61 FR 30017
NPRM Comment Period End	08/12/96	

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood  
Phone: 202 927-8185

**RIN:** 1512-AB59

## 2930. FORMULAS FOR DENATURED ALCOHOL AND RUM

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 21.3; 27 CFR 21.95 to 21.97; 27 CFR 21.6; 27 CFR 21.11; 27 CFR 21.21; 27 CFR 21.31 to 21.34; 27 CFR 21.56; 27 CFR 21.65; 27 CFR 21.76; 27 CFR 21.91

**Timetable:**

Action	Date	FR Cite
NPRM	07/31/96	61 FR 39929
NPRM Comment Period End	09/30/96	

Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood  
Phone: 202 927-8185

**RIN:** 1512-AB60

## 2931. IMPLEMENTATION OF PUBLIC LAW 105-34, SECTION 1416 RELATING TO REFUND OF TAX FOR DOMESTIC WINE RETURNED TO BOND REGARDLESS OF MERCHANTABILITY (TAXPAYER RELIEF ACT OF 1997)

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 24.66; 27 CFR 24.295; 27 CFR 24.312

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mary A. Wood  
Phone: 202 927-8185

**RIN:** 1512-AB74

## 2932. • SAKE REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 27 USC 205, 211; 26 USC 5052

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** We are considering changes to eliminate confusion as to the standards of production, labeling and advertising, and tax classification of sake and similar alcohol beverages.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** Undetermined

## TREAS—BATF

## Long-Term Actions

**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Agency Contact:** William Foster, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
 Phone: 202 927-8210  
**RIN:** 1512-AC09

**2933. ● FLAVORED MALT BEVERAGES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 27 USC 211, 205; 26 USC 5052

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** ATF issued Ruling 96-1 to address flavored malt beverages. We are considering appropriate actions to follow-up on this ruling.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** William Foster, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
 Phone: 202 927-8210

**RIN:** 1512-AC11

**2934. ● REMOVAL OF REQUIREMENT TO DISCLOSE SACCHARIN IN THE LABELING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES**

**Priority:** Info./Admin./Other

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 4.32(d); 27 CFR 5.32(b)(6); 27 CFR 7.22(b)(5)

**Legal Deadline:** None

**Abstract:** Since the artificial sweetener saccharin is no longer listed as an anticipated carcinogen, ATF plans to remove its requirement for a warning

label on alcohol beverages containing saccharin as soon as the law requiring such warnings (21 U.S.C. 343) is repealed or when it expires on May 1, 2002.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
 Phone: 202 927-8210  
 Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AC17

**PROCEDURAL****2935. RECODIFICATION OF STATEMENT OF PROCEDURAL RULES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 70

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/96	61 FR 30013
NPRM Comment Period End	08/12/96	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf  
 Phone: 202 927-8210  
 Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AB54

**2936. ● PLAIN LANGUAGE IN PART 7**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 27 USC 205

**CFR Citation:** 27 CFR 7

**Legal Deadline:** None

**Abstract:** This project is to comply with the President's Memorandum to revise regulations to plain language. The revision will make no substantive changes to the current 27 CFR part 7.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William Foster, Program Manager, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226  
 Phone: 202 927-8210

**RIN:** 1512-AC10

**TOBACCO PRODUCTS****2937. EXPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 27 CFR 290

**Timetable:**

Action	Date	FR Cite
ANPRM	09/08/92	57 FR 40889
ANPRM Comment Period End	10/08/92	
ANPRM Comment Period Extended	01/08/93	58 FR 3247
ANPRM Comment Period Extended End	03/09/93	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marjorie D. Ruhf  
 Phone: 202 927-8210  
 Email: mdruh@atfhq.atf.treas.gov

**RIN:** 1512-AB03

## Department of the Treasury (TREAS)

Completed Actions

## Bureau of Alcohol, Tobacco and Firearms (BATF)

**2938. COUNTRY OF ORIGIN STATEMENTS ON DISTILLED SPIRITS LABELS****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 5.36 (e)**Completed:**

Reason	Date	FR Cite
Withdrawn	08/02/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Daniel J. Hiland  
Phone: 202 927-8210**RIN:** 1512-AB72**2939. LABELING OF FLAVORED WINE PRODUCTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 4.21**Completed:**

Reason	Date	FR Cite
Notice Reopening Comment Period	04/05/00	65 FR 17839
Comment Period Closed	05/05/00	
Final Action	10/26/00	65 FR 59718

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Edward Reisman  
Phone: 202 927-8210**RIN:** 1512-AB86**2940. IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 47**Completed:**

Reason	Date	FR Cite
Final Action	06/20/00	65 FR 38194

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** James Ficaretta  
Phone: 202 927-8210**RIN:** 1512-AC02**2941. DELEGATION OF AUTHORITY IN 27 CFR PARTS 6, 8, 10 AND 11****Priority:** Info./Admin./Other**CFR Citation:** 27 CFR 6; 27 CFR 8; 27 CFR 10; 27 CFR 11**Completed:**

Reason	Date	FR Cite
Final Action	08/28/00	65 FR 52018

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Robert P. Ruhf  
Phone: 202 927-8210**RIN:** 1512-AC01**2942. IMPLEMENTATION OF PUBLIC LAW 105-33, SECTION 9302, RELATED TO THE IMPOSITION OF PERMIT REQUIREMENTS ON ROLL-YOUR-OWN TOBACCO****Priority:** Substantive, Nonsignificant**CFR Citation:** 27 CFR 270; 27 CFR 275; 27 CFR 290; 27 CFR 295; 27 CFR 296**Completed:**

Reason	Date	FR Cite
Final Action	09/25/00	65 FR 57544

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Robert P. Ruhf  
Phone: 202 927-8210**RIN:** 1512-AB92**BILLING CODE** 4810-31-S

## Department of the Treasury (TREAS)

Completed Actions

## Bureau of the Public Debt (BPD)

**2943. REGULATIONS GOVERNING COLLATERAL ACCEPTABILITY AND VALUATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 31 CFR 380 (New)**Completed:**

Reason	Date	FR Cite
Final Action	09/13/00	65 FR 55426
Final Action Effective	10/13/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kurt Eidemiller  
Phone: 202 691-3632  
Email: govsecreg@bpd.treas.gov**RIN:** 1535-AA00**BILLING CODE** 4830-01-S

## Department of the Treasury (TREAS)

Prerule Stage

## Comptroller of the Currency (OCC)

**2944. FIDUCIARY ACTIVITIES OF NATIONAL BANKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 24 (Seventh); 12 USC 92; 12 USC 92a(a); 12 USC 92a(b); 12 USC 93a**CFR Citation:** 12 CFR 9**Legal Deadline:** None**Abstract:** The OCC is planning to issue a notice of proposed rulemaking

(NPRM) and advance notice of proposed rulemaking (ANPRM) that would amend 12 CFR part 9. The NPRM codifies OCC interpretations on national bank multi-state trust operations. The ANPRM would solicit comments on the standards of care generally applicable to the exercise of national bank fiduciary powers authorized by 12 U.S.C. 92a and part 9.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

## TREAS—OCC

## Prerule Stage

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Agency Contact:** Michele Meyer, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW

Phone: 202 874-5090  
Fax: 202 874-4889  
Email: michele.meyer@occ.treas.gov  
**RIN:** 1557-AB79

**Department of the Treasury (TREAS)**  
**Comptroller of the Currency (OCC)**

## Proposed Rule Stage

**2945. CAPITAL RULES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 93a; 12 USC 161; 12 USC 1828 note; 12 USC 1828(n); 12 USC 1831n note; 12 USC 1835; 12 USC 3907; 12 USC 3909

**CFR Citation:** 12 CFR 3

**Legal Deadline:** None

**Abstract:** As part of the OCC's ongoing efforts to develop and refine capital standards to ensure the safety and soundness of the national banking system and to implement statutory requirements, the OCC is amending various provisions of the capital rules for national banks. Specifically, these changes include: (1) collateralized transactions; (2) recourse arrangements and direct credit substitutes; (3) claims on securities firms; (4) bifurcated capital for complex and noncomplex banks; and (5) residual interests. The OCC is conducting all of these rulemakings jointly with the other Federal banking agencies.

**Timetable:**

**Bifurcated Capital for Complex and Noncomplex Banks**

ANPRM 12/00/00

**Claims on Securities Firms**

NPRM 12/00/00

**Collateralized Transactions**

NPRM 08/16/96 (61 FR 42565)

Final Action 12/00/00

**Recourse: Recourse and Direct Credit**

**Substitutes**

ANPRM/NPRM 05/25/94 (59 FR 27116)

NPRM 11/05/97 (62 FR 59944)

NPRM 03/08/00 (65 FR 12320)

NPRM Comment Period End 06/07/00

Final Rule 12/00/00

**Residual Interests**

NPRM 09/27/00 (65 FR 57993)

NPRM Comment Period End 12/26/00

Final Rule 04/00/01

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** ADDITIONAL AGENCY CONTACT: Amrit Sekhon, Risk Specialist, Capital Policy Division, (202) 874-5211, FAX (202) 874-5417,

250 E Street SW, Washington, DC 20219.

**Agency Contact:** Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: ron.shimabukuro@occ.treas.gov

**RIN:** 1557-AB14

**2946. UNIFORM RULES OF PRACTICE AND PROCEDURE; REGULATION REVIEW**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 504; 12 USC 1831o; 12 USC 1972; 12 USC 3102; 12 USC 3108; 12 USC 3909; 5 USC 554 to 557; 12 USC 93a; 12 USC 93(b); 12 USC 164; 12 USC 505; 12 USC 1817; 12 USC 1818; 12 USC 1820

**CFR Citation:** 12 CFR 19

**Legal Deadline:** None

**Abstract:** The OCC is considering what regulatory actions may be necessary to implement section 112(g)(4) of the Federal Deposit Insurance Corporation Improvement Act of 1991 to develop joint agency procedures for the suspension and debarment of accountants, upon a showing of good cause, from performing certain audit services.

**Timetable:**

Action	Date	FR Cite
NPRM - Suspension and Debarment of Accountants	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mitchell Plave, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: mitchell.plave@occ.treas.gov

**RIN:** 1557-AB43

**2947. DEBT CANCELLATION CONTRACTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 24(Seventh)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The OCC has issued an advanced notice of proposed rulemaking seeking comment on whether it is necessary or appropriate to promulgate regulations governing the offering of debt cancellation contracts.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/26/00	65 FR 4176
ANPRM Comment Period End	03/27/00	
NPRM	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Jean Campbell, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: jean.campbell@occ.treas.gov

**RIN:** 1557-AB75

**2948. ELECTRONIC BANKING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The OCC is proposing changes to remove certain impediments to bank use of technology. These changes also would codify recent OCC opinions relating to electronic banking activities.

## TREAS—OCC

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	02/02/00	65 FR 4895
ANPRM Comment Period End	04/03/00	
NPRM	11/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Stuart E. Feldstein, Assistant Director, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: stuart.feldstein@occ.treas.gov

RIN: 1557-AB76

**2949. FAIR CREDIT REPORTING ACT**

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 93a; 15 USC 1681s; PL 106-102, sec 506

CFR Citation: Not Yet Determined

Legal Deadline: None

**Abstract:** The proposed rule will address the sharing of transactional, experiential, and other consumer information among persons related by common ownership or affiliated by corporate control. Such sharing of this information constitutes an exclusion from the definition of "consumer report" under section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)).

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/00	65 FR 63120
NPRM Comment Period End	12/04/00	
Final Rule	01/00/01	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Deborah Katz, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: deborah.katz@occ.treas.gov

RIN: 1557-AB78

**2950. CONSUMER PROTECTIONS FOR DEPOSITORY INSTITUTION SALES OF INSURANCE**

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1 et seq; 12 USC 24(Seventh); 12 USC 92; 12 USC 93a; 12 USC 1818; ...

CFR Citation: 12 CFR 14

Legal Deadline: Final, Statutory, November 12, 2000, PL 106-102, sec. 305.

**Abstract:** The proposed rule would implement the provisions in section 305 of the Gramm-Leach-Bliley Act requiring the OCC and other banking agencies to adopt regulations governing the retail sales of insurance products.

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/00	65 FR 50882
NPRM Comment Period End	10/05/00	65 FR 50882
Final Rule	11/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

**Agency Contact:** Michele Meyer, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW

Phone: 202 874-5090

Fax: 202 874-4889

Email: michele.meyer@occ.treas.gov

RIN: 1557-AB81

**2951. LENDING LIMITS**

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 84

CFR Citation: 12 CFR 32

Legal Deadline: None

**Abstract:** The OCC is proposing to amend its lending limit rules, in response to comments received pursuant to the OCC's community bank advance notice of proposed rulemaking published in the Federal Register on May 12, 1999 (64 FR 25469).

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/00	65 FR 57292

Action	Date	FR Cite
NPRM Comment Period End	11/21/00	
Final Rule	01/00/01	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

**Agency Contact:** Deborah Katz, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: deborah.katz@occ.treas.gov

RIN: 1557-AB82

**2952. • INVESTMENT SECURITIES; BANK ACTIVITIES AND OPERATIONS; LEASING**

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1; 12 USC 24 (seventh); 12 USC 92; 12 USC 92a; 12 USC 93; ...

CFR Citation: 12 CFR 1; 12 CFR 7; 12 CFR 23

Legal Deadline: None

**Abstract:** The OCC is proposing to amend 12 CFR part 1 to conform to the Gramm-Leach-Bliley Act, section 151, grant of authority for national banks to underwrite municipal bonds. The OCC is also proposing to amend 12 CFR part 7 to: (1) clarify the conditions under which a national bank may participate in a bond fide financial literacy program at a school without the school location being deemed a branch of the bank under the McFadden Act; (2) revise the OCC's regulation governing bank holidays to conform with the Comptroller's statutory authority to proclaim mandatory bank closings; (3) clarify the scope of the term "NSF" fees for purposes of 12 U.S.C. 85; (4) clarify the OCC's current regulation governing national banks' non-interest charges and fees; and (5) provide that state law applies to a national bank operating subsidiary only to the extent that it applies to the parent national bank. The OCC is also proposing to amend 12 CFR part 23 to prescribe a percentage limit on the extent to which a national bank may rely on estimated residual value to

## TREAS—OCC

## Proposed Rule Stage

recover its costs in personal property leasing arrangements.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Agency Contact:** Michele Meyer, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW  
Phone: 202 874-5090  
Fax: 202 874-4889

Email: michele.meyer@occ.treas.gov  
**RIN:** 1557-AB89

**2953. ● ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 93a; 12 USC 481; 12 USC 482; 12 USC 1867; 12 USC 3102; 12 USC 3108; 15 USC 78e; 15 USC 78l; 26 DC Code

**CFR Citation:** 12 CFR 8

**Legal Deadline:** None

**Abstract:** This rulemaking would revise the OCC's assessments regulation to specify that the OCC may charge a national bank when the OCC conducts a special examination or investigation

of a third party that provides services to the bank.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mitchell Plave, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219  
Phone: 202 874-5090  
Fax: 202 874-4889  
Email: mitchell.plave@occ.treas.gov

**RIN:** 1557-AB90

**Department of the Treasury (TREAS)**  
**Comptroller of the Currency (OCC)**

## Final Rule Stage

**2954. ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 93a; 12 USC 481; 12 USC 482; 12 USC 3102; 15 USC 78c; 15 USC 78d; 26 DC Code 102

**CFR Citation:** 12 CFR 8

**Legal Deadline:** None

**Abstract:** By statute, the OCC assesses banks to meet the OCC's expenses in carrying out its activities. The rulemaking would propose revising 12 CFR part 8 to adjust the OCC's assessment structure to better reflect the full extent of the OCC's regulation, supervision, and examination of institutions that currently do not pay the full costs of OCC supervision because their balance sheets do not fully reflect the nature of their business.

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/00	65 FR 15111
NPRM Comment Period End	04/20/00	
Final Action	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mitchell Plave, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative

and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219  
Phone: 202 874-5090  
Fax: 202 874-4889  
Email: mitchell.plave@occ.treas.gov

**RIN:** 1557-AB72

**2955. NOTICE OF EXEMPT PRIVACY ACT SYSTEMS OF RECORDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 5 USC 321; 5 USC 552; 5 USC 552a

**CFR Citation:** 31 CFR 1

**Legal Deadline:** None

**Abstract:** The OCC, with the concurrence of the Department of the Treasury, is issuing an interim rule with request for comment to amend the Treasury Regulation that sets forth the systems of records maintained by Treasury Department agencies and bureaus that are exempt from certain provisions of the Privacy Act of 1974. The OCC is amending this regulation to update and expand the list of its systems of records that are exempt from certain provisions of the privacy act and to clarify the bases for these exemptions.

**Timetable:**

Action	Date	FR Cite
Interim Rule with Request for Comment	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michele Meyer, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW  
Phone: 202 874-5090  
Fax: 202 874-4889  
Email: michele.meyer@occ.treas.gov

**RIN:** 1557-AB83

**2956. ● INTERAGENCY GUIDELINES ESTABLISHING STANDARDS FOR SAFEGUARDING CUSTOMER INFORMATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 93a; 12 USC 1831p-1; 15 USC 6801; 15 USC 6805

**CFR Citation:** 12 CFR 30, app D

**Legal Deadline:** None

**Abstract:** The OCC, together with the other Federal banking agencies, are requesting comment on proposed guidelines establishing standards for safeguarding customer information that implement section 39 of the Federal Deposit Insurance Act and sections 501 and 505(b) of the Gramm-Leach-Bliley Act.

## TREAS—OCC

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/00	65 FR 39472
NPRM Comment Period End	08/25/00	
Final Rule	11/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Deborah Katz, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: deborah.katz@occ.treas.gov

RIN: 1557-AB84

### 2957. • DISCLOSURE AND REPORTING OF CRA RELATED AGREEMENTS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1831y**CFR Citation:** 12 CFR 35**Legal Deadline:** None

**Abstract:** The proposed rule implements section 711 of the Gramm-Leach-Bliley Act, which imposes

disclosure and reporting requirements with respect to certain CRA-related agreements between insured depository institutions and their affiliates and nongovernmental persons or entities, such as community organizations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/00	65 FR 31962
NPRM Comment Period End	07/21/00	
Final Rule	11/00/00	

**Regulatory Flexibility Analysis**

Required: Undetermined

**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Karen Solomon, Director, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division

Phone: 202 874-5090

Fax: 202 874-4889

Email: karen.solomon@occ.treas.gov

RIN: 1557-AB85

### 2958. • RULES OF PRACTICE AND PROCEDURE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 504; 12 USC 93a; 12 USC 93(b); 12 USC 164; 12 USC 505; 12 USC 1817

**CFR Citation:** 12 CFR 19**Legal Deadline:** None

**Abstract:** The OCC is amending its rules of practice and procedure to adjust the maximum amount, as set by statute, of each civil money penalty within its jurisdiction to account for inflation. This action is required under the Federal Civil Penalties Inflation Adjustment Act, as amended by the Debt Collection Improvement Act of 1996. This action will increase the amount of civil monetary penalties that may be imposed by the OCC in an enforcement action in the amounts set forth in the final rule.

**Timetable:**

Action	Date	FR Cite
Final Rule	11/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

**Agency Contact:** Jean Campbell, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: jean.campbell@occ.treas.gov

RIN: 1557-AB88

## Department of the Treasury (TREAS) Comptroller of the Currency (OCC)

## Long-Term Actions

### 2959. QUALIFICATION REQUIREMENTS FOR TRANSACTIONS IN CERTAIN SECURITIES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 93a; 12 USC 1818; 12 USC 1831p-1**CFR Citation:** 12 CFR 12**Legal Deadline:** None

**Abstract:** The regulation will require bank employees to meet certain qualification standards before selling nondeposit investment products in a bank.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68823
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

**Agency Contact:** Mark J. Tenhundfeld, Assistant Director, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: mark.tenhundfeld@occ.treas.gov

RIN: 1557-AB54

### 2960. RULES AND PROCEDURES FOR CLAIMS AGAINST OCC-APPOINTED RECEIVERSHIPS FOR UNINSURED FINANCIAL INSTITUTIONS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 93a; 12 USC 192; 12 USC 206; 12 USC 3108**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This regulation will establish rules and procedures for processing claims against receivers for uninsured Federal institutions that are chartered or licensed by the OCC.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

**Agency Contact:** Mitchell Plave, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: mitchell.plave@occ.treas.gov

RIN: 1557-AB59

## TREAS—OCC

## Long-Term Actions

**2961. REAL ESTATE APPRAISALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 93a; 12 USC 3331 et seq**CFR Citation:** 12 CFR 34**Legal Deadline:** None

**Abstract:** This rulemaking would amend the OCC's appraisal regulation to exempt transactions involving mortgage-backed securities (MBS) from its principal appraisal requirements. The amendment would allow national banks to invest in commercial mortgage-backed securities (CMBS) without regard to appraisals.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Mitchell Plave, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219  
Phone: 202 874-5090  
Fax: 202 874-4889  
Email: mitchell.plave@occ.treas.gov

**RIN:** 1557-AB70**2962. MINIMUM SECURITY DEVICES AND PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 93a; 12 USC 1882**CFR Citation:** 12 CFR 21**Legal Deadline:** None

**Abstract:** The OCC is considering a rulemaking that would amend the OCC's Minimum Security Devices and Procedures regulation to address recent changes made to the definition of the

term "branch" in the National Bank Act by the Economic Growth and Paperwork Reduction Act of 1996 (EGRPRA). This amendment would clarify that the regulation applies to automated teller machines (ATMs) and remote service units (RSUs).

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Patrick Tierney, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219  
Phone: 202 874-5090  
Email: patrick.tierney@occ.treas.gov

**RIN:** 1557-AB71
**Department of the Treasury (TREAS)  
Comptroller of the Currency (OCC)**

## Completed Actions

**2963. PRIVACY****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-102; 12 USC 93a**CFR Citation:** 12 CFR 40**Legal Deadline:** Final, Statutory, May 12, 2000, PL 106-102, sec. 504.

**Abstract:** This rule will implement the provisions in the Gramm-Leach-Bliley Act concerning privacy. The OCC and other regulators of financial institutions will issue regulations governing the providing of privacy policies and notices of the right to opt out of sharing of nonpublic personal information with nonaffiliated third parties.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/00	65 FR 8770
NRPM Comment Period End	03/31/00	
Final Rule	06/01/00	65 FR 35162
Final Rule Effective	11/13/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Mark J. Tenhundfeld, Assistant Director, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: mark.tenhundfeld@occ.treas.gov

**RIN:** 1557-AB77**2964. • OTHER EQUITY INVESTMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 93a**CFR Citation:** 12 CFR 5**Legal Deadline:** None

**Abstract:** This final rule makes a technical correction to the OCC's equity investment rule (12 CFR 5.36) to clarify that a national bank that wishes to use the notice procedure to make a noncontrolling investment in an

enterprise must certify that its loss exposure is limited, as a legal and accounting matter, and that it does not have open-ended liability for the obligations of the enterprise.

**Timetable:**

Action	Date	FR Cite
Final Rule	07/06/00	65 FR 41559
Final Rule Effective	07/06/00	65 FR 41559

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Stuart E. Feldstein, Assistant Director, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Activities Division, 250 E Street SW, Washington, DC 20219

Phone: 202 874-5090

Fax: 202 874-4889

Email: stuart.feldstein@occ.treas.gov

**RIN:** 1557-AB86**BILLING CODE 4810-33-S**

**Department of the Treasury (TREAS)**  
**United States Customs Service (CUSTOMS)**

Proposed Rule Stage

**2965. LIQUIDATION; EXTENSION;  
 SUSPENSION**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 19 USC 66; 19 USC 1500; 19 USC 1504; 19 USC 1624

**CFR Citation:** 19 CFR 159

**Legal Deadline:** None

**Abstract:** Document would amend the Customs Regulations to implement amendments to section 504 of the Tariff Act of 1930, as amended, which pertains to limitations on the liquidation of entries that were contained in the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act. Amendments would allow the reconciliation of entries to be treated as if they were entry summaries, subject to normal liquidation requirements; authorize the electronic transmittal of notices of extension and suspension of liquidation; extend the time period in which Customs must liquidate a suspended entry after the suspension is removed; remove the application of the four-year limitation to suspended entries; and provide that Customs must also inform sureties when an entry is suspended or extended.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** William G. Rosoff, Chief, Duty Refund and Determination Branch, Department of the Treasury, United States Customs Service, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
 Phone: 202 927-2077

**RIN:** 1515-AB66

**2966. DETENTION, SEIZURE, AND  
 FORFEITURE OF "BOOTLEG" SOUND  
 RECORDING AND MUSIC VIDEOS OF  
 LIVE MUSICAL PERFORMANCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 17 USC 602; 17 USC 603; 31 USC 9701; 19 USC 66; 19 USC 1202; 19 USC 58a; 19 USC 58b; 19 USC 58c; 19 USC 66; 17 USC 101; 17 USC 601

**CFR Citation:** 19 CFR 12; 19 CFR 24; 19 CFR 133

**Legal Deadline:** None

**Abstract:** Amendment to provide for the detention, seizure, and forfeiture of unauthorized (bootleg) copies of sound recordings and music videos of live musical performances recorded outside of and imported into the United States, as provided by section 513(a) of the Uruguay Round Agreements Act.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** George F. McCray, Attorney, Intellectual Property Rights Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
 Phone: 202 927-2387

**RIN:** 1515-AB74

**2967. REMOTE LOCATION FILING**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1484; 19 USC 1624; 19 USC 1641

**CFR Citation:** 19 CFR 111; 19 CFR 113; 19 CFR 141; 19 CFR 143

**Legal Deadline:** None

**Abstract:** Amendment to allow entry filers to electronically file entries of merchandise with Customs from locations within the United States other than at the port of arrival of the merchandise or the location of examination of the merchandise.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Jennifer Engelbach, Trade Compliance Officer, Office of Field Operations, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
 Phone: 202 927-2293

**RIN:** 1515-AC23

**2968. ADMINISTRATIVE RULINGS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1502; 19 USC 1624; 19 USC 1625

**CFR Citation:** 19 CFR 177

**Legal Deadline:** None

**Abstract:** Document revises those provisions of the Customs Regulations that concern the issuance of administrative rulings and related written determinations and decisions on prospective and current transactions arising under the Customs and related laws. Changes include amendments in response to statutory changes made to the administrative ruling process by section 623 of the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act, as well as substantive and organizational changes to clarify current administrative practice and otherwise improve the layout and readability of the present regulatory texts.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** John Elkins, Chief, Textiles Branch, Office of Regulations and Rulings, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
 Phone: 202 927-2380

**RIN:** 1515-AC56

## TREAS—CUSTOMS

## Proposed Rule Stage

**2969. • USER AND NAVIGATION FEES; OTHER REIMBURSABLE CHARGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC 58a; 19 USC 58b; 19 USC 58c; 19 USC 66; 19 USC 1202; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1505; 19 USC 1624; 31 USC 9701; 46 USC 2110; 46 USC 2111; 46 USC 2112**CFR Citation:** 19 CFR 4; 19 CFR 24; 19 CFR 101**Legal Deadline:** None**Abstract:** Amendment regarding the proper assessment of user and navigation fees, as well as other reimbursement charges for Customs services performed in connection with, among other things, the processing of vehicles, vessels, aircraft and merchandise arriving in the United States. Purpose of the amendment is to conform the regulations with the intent of the Customs user fee statute and to reflect existing operational policy and administrative practice in this area.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Kimberly Nott, Operations Officer, Department of the Treasury, United States Customs Service, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1364**RIN:** 1515-AC63**2970. • SIMPLIFICATION OF IN-TRANSIT TRUCK SHIPMENTS BETWEEN CANADA AND THE UNITED STATES****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1431; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1553; 19 USC 1624**CFR Citation:** 19 CFR 123**Legal Deadline:** None**Abstract:** Amendment to simplify reporting procedures for the in-transit movement of truck shipments between Canada and the United States. Amendment is designed to reduce traffic congestion along the northern border by reducing the number of reporting stops.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Raymond Janiszewski, Supervisory Import Specialist, Office of Field Operations, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-0365Walter Lechowski, Assistant Director, Operations, Department of the Treasury, United States Customs Service, East Great Lakes CMC, Buffalo, NY  
Phone: 716 626-0400**RIN:** 1515-AC65**2971. • NATIONAL SANCTIONS DUE TO THE DELINQUENT PAYMENT OF CUSTOMS BILLS****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624**CFR Citation:** 19 CFR 142**Legal Deadline:** None**Abstract:** Amendment to provide that Customs will issue sanction warnings from a centralized site at the national level to importers that have delinquent Customs bills. The nationally issued sanction warnings will notify an importer that if Customs does not receive full payment of all the importer's delinquent Customs bills within the time specified in the sanction warning, sanctions will be imposed nationally on all of the importer's transactions at all Customs ports.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Robert Reiley, Financial Officer, Financial Management Division, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1504**RIN:** 1515-AC68**2972. • CUSTOMS EXAMINATION OF IN-TRANSIT MAIL SHIPMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1624**CFR Citation:** 19 CFR 145**Legal Deadline:** None**Abstract:** Amendment to provide that Customs has the authority to examine and search international mail without regard as to whether it is transiting the United States or the U.S. Virgin Islands, or is being delivered within the Customs territory of the United States or the U.S. Virgin Islands.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Glen E. Vereb, Senior Attorney, Entry Procedures and Carriers Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1327**RIN:** 1515-AC71**2973. • PRIVATE AIRCRAFT PROGRAMS: ESTABLISHMENT OF THE GENERAL AVIATION TELEPHONIC ENTRY (GATE) PROGRAM AND REVISIONS TO THE OVERFLIGHT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a**CFR Citation:** 19 CFR 122; 19 CFR 123**Legal Deadline:** None**Abstract:** Amendment provides for the GATE Program and revises the

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Overflight Program. The GATE Program is a voluntary program designed to facilitate Customs processing of certain prequalified frequent travelers on preregistered general aviation aircraft arriving in the United States directly from Canada. The Overflight Program exempts certain private aircraft arriving in the continental United States from the special landing requirements applicable to such aircraft. The revision

to the Overflight Program involves modifying the application process and centralizing the processing of requests for overflight privileges.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Steve Gilbert, Programs Officer, Department of the Treasury, United States Customs Service, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1391

**RIN:** 1515-AC73

**Department of the Treasury (TREAS)**

**Final Rule Stage**

**United States Customs Service (CUSTOMS)**

**2974. NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)—IMPLEMENTATION OF DUTY-DEFERRAL PROGRAM PROVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1448; 19 USC 1481; 19 USC 1484; 19 USC 1202; 19 USC 1315; 19 USC 1624; 19 USC 3314

**CFR Citation:** 19 CFR 181; 19 CFR 113; 19 CFR 141; 19 CFR 144; 19 CFR 10

**Legal Deadline:** Final, Statutory, January 1, 1996.

**Abstract:** Document amends regulations to establish procedural and other requirements that apply to the collection, waiver, and reduction of duties under the duty-deferral program provisions of the North American Free Trade Agreement. The document prescribes the documentary and other requirements that must be followed when merchandise is withdrawn from a U.S. duty-deferral program, either for exportation to another NAFTA country or for entry into a duty-deferral program of another NAFTA country, the procedures that must be followed in filing a claim for a waiver or reduction of duties collected on such merchandise, and the procedures for finalization of duty collections and duty waiver or reduction claims.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/30/96	61 FR 2908
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Shawn Filion, Commercial Program Specialist, Department of the Treasury, United States Customs Service, Office of Field

Operations, North Star Commercial, P.O. Box 400, Buffalo, NY 14225  
Phone: 716 551-3053

**RIN:** 1515-AB87

**2975. ENTRY OF SOFTWOOD LUMBER SHIPMENTS FROM CANADA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 2416; 19 USC 2171

**CFR Citation:** 19 CFR 12; 19 CFR 113

**Legal Deadline:** None

**Abstract:** Document sets forth amendments establishing additional entry requirements applicable to shipments of softwood lumber from Canada. Amendment involves the collection of certain additional information for purposes of monitoring and enforcing an agreement between the Governments of the United States and Canada regarding trade in softwood lumber.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/26/97	62 FR 8620
Final Action	07/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Joyce Metzger, Office of Field Operations, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-0792

**RIN:** 1515-AB97

**2976. CUSTOMS ENTRY DOCUMENTATION PURSUANT TO ANTICOUNTERFEITING CONSUMER PROTECTION ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

**CFR Citation:** 19 CFR 141

**Legal Deadline:** Final, Statutory, January 2, 1997.

**Abstract:** Document implements section 12 of the Anticounterfeiting Consumer Protection Act of 1996 (ACPA), which was enacted by Congress to protect consumers and American businesses from counterfeit copyrighted and trademarked products. Section 12 of the ACPA concerns the content of entry documentation required by Customs to determine whether the imported merchandise or its packaging bears an infringing trademark. Amendment requires importers to provide on the invoice a listing of all trademarks appearing on imported merchandise and its packaging.

**Timetable:**

Action	Date	FR Cite
NPRM	09/13/99	64 FR 49423
NPRM Comment Period End	12/13/99	
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Joanne R. Stump, Chief, Intellectual Property Rights, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-3315

**RIN:** 1515-AC15

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**2977. FOREIGN REPAIRS TO AMERICAN VESSELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 46 USC app 91; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1466; 19 USC 1498; 19 USC 1624; 46 USC app 3**CFR Citation:** 19 CFR 4; 19 CFR 159**Legal Deadline:** None**Abstract:** Amendment to revise the Customs Regulations regarding the declaration, entry, assessment of duty and processing of petitions for relief from duty for vessels of the United States which undergo foreign shipyard operations. Amendment reflects underlying statutory authority, as well as legal and policy determinations made as a result of judicial decisions and administrative enforcement experience.**Timetable:**

Action	Date	FR Cite
NPRM	04/21/99	64 FR 19508
NPRM Comment Period End	07/21/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Larry L. Burton, Chief, Entry Procedures and Carriers Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-2269**RIN:** 1515-AC30**2978. COUNTRY OF ORIGIN MARKING****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624**CFR Citation:** 19 CFR 134**Legal Deadline:** None**Abstract:** Amendments clarify the country of origin marking rules set forth in part 134 of the Customs Regulations. Amendments promote the

concept of informed compliance by the trade and proper field administration of the statutory requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/00	65 FR 4193
NPRM Comment Period End	04/26/00	
Final Action	05/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Burton Schlissel, Attorney, Special Classification and Marking Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-2310Monika Rice Brenner, Attorney-Advisor, Special Classification and Marking Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-2310Kristen VerSteege, Attorney-Advisor, Special Classification and Marking Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-2310**RIN:** 1515-AC32**2979. EXPANDED METHODS OF PAYMENT OF DUTIES, TAXES, INTEREST AND FEES****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 5 USC 301; 19 USC 197; 19 USC 198; 19 USC 58a; 19 USC 58b; 19 USC 58c; 19 USC 66; 19 USC 1202; 19 USC 1450; 19 USC 1624; 31 USC 9701**CFR Citation:** 19 CFR 24**Legal Deadline:** None**Abstract:** Amendment to expand the number of ways that Customs will accept payment of duties, taxes, fees, interest and other charges. Currently, the regulations allow for credit or

charge cards, which have been authorized by the Commissioner of Customs, to be used at designated Customs-serviced locations with a limitation that this method of payment may only be used by noncommercial entities. Amendment allows payment of duties, taxes, fees, interest and other charges by any electronic technology or charge cards (either debit or credit cards) that are authorized by the Commissioner of Customs and by removing the limitation that these methods of payment may only be used by noncommercial entities.

**Timetable:**

Action	Date	FR Cite
NPRM	03/17/99	64 FR 13141
NPRM Comment Period End	05/17/99	
Final Action	07/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Elizabeth Dichysyn, Accountant, Accounting Services Division, Department of the Treasury, United States Customs Service, Office of Finance, 6026 Lakeside Boulevard, Indianapolis, IN 46278  
Phone: 317 298-1200**RIN:** 1515-AC40**2980. AMENDED BOND PROCEDURES FOR ARTICLES SUBJECT TO EXCLUSION ORDERS ISSUED BY THE U.S. INTERNATIONAL TRADE COMMISSION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1337; 19 USC 1623; 19 USC 1624**CFR Citation:** 19 CFR 12; 19 CFR 113**Legal Deadline:** None**Abstract:** Amendment to reflect the statutory provisions regarding bond procedures for the entry of articles subject to exclusion orders issued by the U.S. International Trade Commission. Amendment also includes the text of a new special importation and entry bond in the Customs Regulations. Changes reflect the terms of section 337 of the Tariff Act of 1930, as amended by section 321 of the Uruguay Round Agreements Act.**Timetable:**

Action	Date	FR Cite
NPRM	02/08/00	65 FR 6062

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Action	Date	FR Cite
NPRM Comment Period End	04/10/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Glen E. Vereb, Senior Attorney, Entry Procedures and Carriers Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1327

**RIN:** 1515-AC43**2981. IMPORTATION AND ENTRY BOND CONDITIONS REGARDING OTHER AGENCY DOCUMENTATION REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1623; 19 USC 1624**CFR Citation:** 19 CFR 113**Legal Deadline:** None

**Abstract:** Amendment with regard to the basic importation and entry bond condition under which, if merchandise is conditionally released to the principal named in the bond, the principal agrees to furnish Customs with any document or evidence as required by law or regulation. Amendment would extend this requirement, and consequently the potential liability for payment of liquidated damages for a breach of the bond condition, to documents and evidence submitted to other Government agencies under laws and regulations of those other agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/99	64 FR 42872
NPRM Comment Period End	10/05/99	
Final Action	03/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1176

**RIN:** 1515-AC44**2982. ASSESSMENT OF LIQUIDATED DAMAGES REGARDING IMPORTED MERCHANDISE THAT IS NOT ADMISSIBLE UNDER THE FOOD, DRUG AND COSMETIC ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1623; 19 USC 1448; 19 USC 1484; 19 USC 1499; 7 USC 135h; 21 USC 381; 19 USC 1624**CFR Citation:** 19 CFR 12; 19 CFR 113; 19 CFR 141**Legal Deadline:** None

**Abstract:** Amendment of the Customs Regulations to provide for the assessment of liquidated damages equal to the domestic value of the merchandise in the case of merchandise that is not admissible under the provisions of the Food, Drug and Cosmetic Act, and that is not treated, or otherwise disposed of in accordance with that Act. Amendment also provides for liquidated damages of three times the appraised value of the merchandise in the case of merchandise that is restricted or prohibited from entry. Amendments are intended to enhance the effectiveness of the affected regulatory provisions by increasing and clarifying the potential liability for the payment of liquidated damages by principals and sureties on customs bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	08/02/99	64 FR 41851
NPRM Comment Period End	10/01/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1176

**RIN:** 1515-AC45**2983. EXPORT CERTIFICATES FOR LAMB MEAT SUBJECT TO TARIFF-RATE QUOTA****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1484; 19 USC 1508; 19 USC 1623; 19 USC 1624**CFR Citation:** 19 CFR 132; 19 CFR 163**Legal Deadline:** None

**Abstract:** Amendment to set forth the form and manner by which an importer establishes that a valid export certificate is in effect for certain fresh, chilled or frozen lamb meat that is the subject of a tariff-rate quota, and the product of a participating country, as defined in regulations of the United States Trade Representative. The export certificate is necessary in this regard in order to enable the importer to claim the in-quota rate of duty on the lamb meat.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/02/99	64 FR 67481
Interim Final Rule Effective	12/02/99	
Interim Final Rule Comment Period End	01/31/00	
Final Action	11/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Cynthia Porter, Chief, Quota Branch, Department of the Treasury, United States Customs Service, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-5399

**RIN:** 1515-AC54**2984. GENERAL ORDER WAREHOUSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1311; 19 USC 1312; 19 USC 1484; 19 USC 1485; 19 USC 1490; 19 USC 1491; 19 USC 1492; 19 USC 1493; 19 USC 1506; 19 USC 1559; 19 USC 1563**CFR Citation:** 19 CFR 4; 19 CFR 19; 19 CFR 122; 19 CFR 123; 19 CFR 127**Legal Deadline:** None

**Abstract:** Amendment principally creates a new class of bonded warehouse exclusively for the receipt of general order merchandise and includes procedures for authorizing and operating general order warehouses. Amendment also implements certain amendments to the law made by the Customs modernization portion of the North American Free Trade Agreement Implementation Act concerning the

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circumstances where the title to unclaimed and abandoned merchandise vests in the Government, in lieu of sale of the merchandise at public auction.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/00	65 FR 42893
NPRM Comment Period End	09/11/00	
Final Action	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Raymond Janiszewski, Supervisory Import Specialist, Office of Field Operations, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-0365

**RIN:** 1515-AC57

**2985. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1484b; 19 USC 1623; 19 USC 1624

**CFR Citation:** 19 CFR 4; 19 CFR 113

**Legal Deadline:** None

**Abstract:** Amendment to set forth procedures for the deferral of entry filing and duty collection on certain yachts imported for sales at boat shows in the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/00	65 FR 37501
NPRM Comment Period End	08/14/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Larry L. Burton, Chief, Entry Procedures and Carriers Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-2269

Robert E. Watt, Program Officer, Department of the Treasury, United States Customs Service, Office of Field

Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-3654

**RIN:** 1515-AC58

**2986. CIVIL AIRCRAFT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1321; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 3314

**CFR Citation:** 19 CFR 10

**Legal Deadline:** None

**Abstract:** Amendment concerning the duty-free entry of civil aircraft merchandise to reflect amendments to General Note 6 of the Harmonized Tariff Schedule of the United States made by the Miscellaneous Trade and Technical Corrections Act of 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	06/29/00	65 FR 40067
NPRM Comment Period End	08/28/00	
Final Action	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dixie Staple, Operations Officer, Department of the Treasury, United States Customs Service, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1131

**RIN:** 1515-AC59

**2987. • ENTRY OF SOFTWOOD LUMBER SHIPMENTS FROM CANADA**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1484; 19 USC 1624; 19 USC 2416(a); 19 USC 2171

**CFR Citation:** 19 CFR 12

**Legal Deadline:** None

**Abstract:** Amendment to the provision in the Customs Regulations that sets forth entry requirements for shipments of softwood lumber from Canada under the agreement between the Governments of the United States and Canada regarding trade in softwood lumber. Amendment implements an amendment to the softwood lumber

agreement involving the addition of two export fee payment status categories covering softwood lumber from the Canadian province of British Columbia.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/23/00	65 FR 33251
Interim Final Rule Effective	05/23/00	
Interim Final Rule Comment Period End	07/24/00	
Final Action	07/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dixie Staple, Operations Officer, Department of the Treasury, United States Customs Service, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1131

**RIN:** 1515-AC62

**2988. • MERCHANDISE PROCESSING FEE ELIGIBLE TO BE CLAIMED AS UNUSED MERCHANDISE DRAWBACK**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1313; 19 USC 1624

**CFR Citation:** 19 CFR 191

**Legal Deadline:** None

**Abstract:** Amendment to indicate that merchandise processing fees are eligible to be claimed as unused merchandise drawback. The change is made to reflect a recent court decision in which merchandise processing fees were found to be assessed under Federal law and imposed by reason of importation and therefore eligible to be claimed as unused merchandise drawback pursuant to 19 U.S.C. 1313(j).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** William G. Rosoff, Chief, Duty Refund and Determination Branch, Department of the Treasury, United States Customs Service, Office of Regulations and Rulings, 1300

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Pennsylvania Avenue NW.,  
Washington, DC 20229  
Phone: 202 927-2077

**RIN:** 1515-AC67

**2989. • CIVIL ASSET FORFEITURE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 18 USC 983; 19 USC 66; 19 USC 1592; 19 USC 1593a; 19 USC 1624

**CFR Citation:** 19 CFR 162; 19 CFR 171

**Legal Deadline:** None

**Abstract:** Amendment to implement the provisions of the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), insofar as these provisions are applicable to laws enforced by Customs. The CAFRA creates general rules governing civil forfeiture proceedings. However, CAFRA specifically exempts from certain of its requirements forfeitures that are made under a number of statutes, among those being: the Tariff Act of 1930 or any other provision of law codified in title 19, U.S.C.; the Internal Revenue Code of 1986; the Federal Food, Drug, and Cosmetic Act; and the Trading with the Enemy Act.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of the Treasury, United States Customs Service, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1176

**RIN:** 1515-AC69

**2990. • AFRICAN GROWTH AND OPPORTUNITY ACT AND GENERALIZED SYSTEM OF PREFERENCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1321; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 2461; 19 USC 3314; 19 USC 3721

**CFR Citation:** 19 CFR 10; 19 CFR 163

**Legal Deadline:** Final, Statutory, October 1, 2000, Public Law 106-200.

**Abstract:** Amendments to implement the trade benefit provisions for sub-Saharan Africa contained in title I of the Trade and Development Act of 2000. The trade benefits under title I, also referred to as the African Growth and Opportunity Act, apply to sub-Saharan African countries designated by the President and involve the extension of duty-free treatment under the Generalized System of Preferences (GSP) to non-import-sensitive, non-textile articles normally excluded from GSP duty-free treatment, and the entry of specific textile and apparel articles free of duty and fee of any quantitative limits.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/05/00	65 FR 59668
Interim Final Rule Effective	10/01/00	
Interim Final Rule Comment Period End	12/04/00	
Final Action	05/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cynthia Reese, Senior Attorney, Department of the Treasury, United States Customs Service, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-1361

Cathy Saucedo, Trade Operations Officer, Department of the Treasury, United States Customs Service, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-4198

**RIN:** 1515-AC72

**2991. • EXPANDED WEEKLY ENTRY PROCEDURE FOR FOREIGN TRADE ZONES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 81a to 81u; 19 USC 1202; 19 USC 1484i; 19 USC 1623; 19 USC 1624

**CFR Citation:** 19 CFR 146

**Legal Deadline:** None

**Abstract:** Amendment in conformance with the Trade and Development Act of 2000 to expand the weekly entry procedure for foreign trade zones to include merchandise involved in activities other than exclusively assembly-line production operations. Under the expanded weekly procedure, weekly entries covering estimated removals of merchandise from a foreign trade zone for any 7-day period and the associated entry summaries will have to be filed exclusively through the Automated Broker Interface, with duties, fees and taxes being scheduled for payment through the Automated Clearinghouse.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Bruce Ingalls, Chief, Entry Branch, Office of Trade Compliance, Department of the Treasury, United States Customs Service, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 927-0380

**RIN:** 1515-AC74

**Department of the Treasury (TREAS)**  
**United States Customs Service (CUSTOMS)**
**Long-Term Actions****2992. HARBOR MAINTENANCE FEE****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/30/87	52 FR 10198
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Patricia Barbare  
Phone: 202 927-0310**RIN:** 1515-AA57**2993. DONATED CARGO EXEMPTION FROM HARBOR MAINTENANCE FEE****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 24**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/08/92	57 FR 607
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Patricia Barbare  
Phone: 202 927-0310**RIN:** 1515-AA87**2994. AUTOMATED SURETY INTERFACE****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 113**Timetable:**

Action	Date	FR Cite
NPRM	01/22/93	58 FR 5680
NPRM Comment	04/22/93	
Period End		
Next Action		Undetermined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Diane Hundertmark  
Phone: 202 927-0355**RIN:** 1515-AB25**2995. FEES ASSESSED FOR DEFAULTED PAYMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 24**Timetable:**

Action	Date	FR Cite
NPRM	03/23/94	59 FR 13664
NPRM Comment	05/23/94	
Period End		
Next Action		Undetermined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** David Baker  
Phone: 202 927-0620**RIN:** 1515-AB38**2996. TEXTILES AND TEXTILE PRODUCTS SUBJECT TO TEXTILE TRADE AGREEMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 12**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Dick Crichton  
Phone: 202 927-0162**RIN:** 1515-AB54**2997. COUNTRY-OF-ORIGIN MARKING REQUIREMENTS FOR FROZEN PRODUCE PACKAGES****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 134**Timetable:**

Action	Date	FR Cite
ANPRM	02/02/95	60 FR 6464
ANPRM Comment	03/20/95	
Period End		
NPRM	07/23/96	61 FR 38119
NPRM Comment	10/17/97	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Sandra L. Bell  
Phone: 202 927-2244**RIN:** 1515-AB61**2998. RECONCILIATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 142; 19 CFR 159**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** John Durant  
Phone: 202 927-2244**RIN:** 1515-AB85**2999. TREATMENT OF MERCHANDISE IMPORTED BY FOREIGN GOVERNMENTS OR DESIGNATED INTERNATIONAL ORGANIZATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 148**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Dennis Sequeira  
Phone: 202 927-1480**RIN:** 1515-AB92**3000. DETERMINATION OF THE COUNTRY OF ORIGIN OF TEXTILES AND TEXTILE PRODUCTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 12**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Dick Crichton  
Phone: 202 927-0162**RIN:** 1515-AC00**3001. DESIGNATED LAND BORDER CROSSING LOCATIONS FOR CERTAIN CONVEYANCES****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 123**Timetable:**

Action	Date	FR Cite
NPRM	11/17/97	62 FR 61251
NPRM Comment	01/16/98	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Dennis Dore  
Phone: 202 927-3274**RIN:** 1515-AC12

TREAS—CUSTOMS

Long-Term Actions

**3002. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 19 CFR 103  
**Timetable:** Next Action Undetermined  
**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Lee H. Kramer  
 Phone: 202 927-1251  
**RIN:** 1515-AC13

**3003. NAFTA PREFERENCE OVERRIDE**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 19 CFR 102  
**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None  
**Agency Contact:** Burton Schlissel  
 Phone: 202 927-2310  
**RIN:** 1515-AC25

**3004. INFORMAL ENTRY OF LOW-VALUE DUTY-FREE MERCHANDISE**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 19 CFR 143  
**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Craig Clark  
 Phone: 202 927-2317  
**RIN:** 1515-AC38

**3005. PERSONAL USE LIMITATION FOR PURCHASES AT DUTY-FREE STORES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 19 CFR 19  
**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Creighton W. Goldsmith  
 Phone: 808 522-8080  
 Email: creighton.w.goldsmith@customs.treas.gov  
**RIN:** 1515-AC50

**Department of the Treasury (TREAS)  
 United States Customs Service (CUSTOMS)**

Completed Actions

**3006. COUNTRY-OF-ORIGIN MARKING FOR WATCHES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 19 CFR 134  
**Completed:**

Reason	Date	FR Cite
Withdrawn	06/02/00	

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Burton Schlissel  
 Phone: 202 927-2310  
**RIN:** 1515-AB68

**Agency Contact:** Robert Reiley  
 Phone: 202 927-1504  
**RIN:** 1515-AB76

**3008. ELECTRONIC REQUESTS FOR CONFIDENTIAL TREATMENT OF EXPORT MANIFEST DATA**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 19 CFR 103  
**Completed:**

Reason	Date	FR Cite
Withdrawn	06/02/00	

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Carla Brooks  
 Phone: 202 927-2246  
**RIN:** 1515-AB89

**Completed:**

Reason	Date	FR Cite
Final Action	09/05/00	65 FR 53565
Final Action Effective	10/05/00	

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Jeremy Baskin  
 Phone: 202 927-1176  
**RIN:** 1515-AC01

**3007. INTEREST ON UNDERPAYMENTS AND OVERPAYMENTS OF CUSTOMS DUTIES, FEES AND INTEREST**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 19 CFR 24; 19 CFR 159; 19 CFR 174  
**Completed:**

Reason	Date	FR Cite
Final Action	05/17/00	65 FR 31261
Final Action Effective	05/17/00	

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None

**3009. PETITIONS FOR RELIEF; SEIZURES, PENALTIES, AND LIQUIDATED DAMAGES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 19 CFR 171; 19 CFR 162; 19 CFR 10; 19 CFR 12; 19 CFR 172; 19 CFR 18; 19 CFR 24; 19 CFR 111; 19 CFR 113; 19 CFR 114; 19 CFR 125; 19 CFR 145

**3010. GUIDELINES FOR THE IMPOSITION AND MITIGATION OF PENALTIES FOR VIOLATION OF 19 USC 1592**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 19 CFR 171  
**Completed:**

Reason	Date	FR Cite
Final Action	06/23/00	65 FR 39087
Final Action Effective	07/24/00	

**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Charles D. Ressin  
 Phone: 202 927-2344  
**RIN:** 1515-AC08

## TREAS—CUSTOMS

## Completed Actions

**3011. VESSEL EQUIPMENT  
TEMPORARILY LANDED FOR REPAIR****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 4**Completed:**

Reason	Date	FR Cite
Final Action	09/20/00	65 FR 56788
Final Action Effective	10/20/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Larry L. Burton  
Phone: 202 927-2269**RIN:** 1515-AC35**3012. FORCED OR INDENTURED  
CHILD LABOR****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 12**Completed:**

Reason	Date	FR Cite
Final Action	07/26/00	65 FR 45873
Final Action Effective	08/25/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Glen E. Vereb  
Phone: 202 927-1327**RIN:** 1515-AC36**3013. ENDORSEMENT OF CHECKS  
DEPOSITED BY U.S. CUSTOMS  
SERVICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 24**Completed:**

Reason	Date	FR Cite
Final Action	09/20/00	65 FR 56790
Final Action Effective	10/20/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Jo Cohen  
Phone: 202 927-6140**RIN:** 1515-AC48**3014. LOCATION OF DUTY-FREE  
STORES****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 19**Completed:**

Reason	Date	FR Cite
Final Action	05/17/00	65 FR 31260
Final Action Effective	05/17/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** William G. Rosoff  
Phone: 202 927-2077**RIN:** 1515-AC53**3015. EXPORT CERTIFICATES FOR  
SUGAR-CONTAINING PRODUCTS  
SUBJECT TO TARIFF-RATE QUOTA****Priority:** Substantive, Nonsignificant**CFR Citation:** 19 CFR 132**Completed:**

Reason	Date	FR Cite
Interim Final Rule Comment Period End	04/04/00	
Final Action	07/14/00	65 FR 43689
Final Action Effective	07/14/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Leon Hayward  
Phone: 202 927-9704**RIN:** 1515-AC55**3016. SUMMARY FORFEITURE OF  
CONTROLLED SUBSTANCES****Priority:** Routine and Frequent**CFR Citation:** 19 CFR 162**Completed:**

Reason	Date	FR Cite
Final Action	05/23/00	65 FR 33254
Final Action Effective	05/23/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Todd Schneider  
Phone: 202 927-1694**RIN:** 1515-AC60**3017. • EXTENSION OF IMPORT  
RESTRICTIONS IMPOSED ON  
CERTAIN CATEGORIES OF  
ARCHEOLOGICAL MATERIAL FROM  
THE PREHISPANIC CULTURES OF  
THE REPUBLIC OF EL SALVADOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC  
66; 19 USC 1202; 19 USC 1624; 19 USC  
2612**CFR Citation:** 19 CFR 12**Legal Deadline:** None**Abstract:** Amendment to reflect the extension of the import restrictions on certain categories of archaeological material from the Prehispanic cultures of the Republic of El Salvador, which were imposed by T.D. 95-20. These restrictions are imposed pursuant to determinations of the United States Department of State made under the terms of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.**Timetable:**

Action	Date	FR Cite
Final Action	03/09/00	65 FR 12470
Final Action Effective	03/08/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Michael L. Smith,  
Attorney, Intellectual Property Rights  
Branch, Department of the Treasury,  
United States Customs Service, 1300  
Pennsylvania Avenue NW.,  
Washington, DC 20229  
Phone: 202 927-1996Alfred Morawski, Chief, Other  
Government Agencies Branch,  
Department of the Treasury, United  
States Customs Service, Office of Field  
Operations, 1300 Pennsylvania Avenue  
NW., Washington, DC 20229  
Phone: 202 927-0402**RIN:** 1515-AC61**BILLING CODE** 4820-02-S

**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**

Prerule Stage

**3018. • INTEREST FREE  
ADJUSTMENTS UNDER SECTION  
6205**

Priority: Info./Admin./Other

Legal Authority: 26 USC 6205

CFR Citation: 26 CFR 31

Legal Deadline: None

**Abstract:** The current regulations under section 6205 of the Internal Revenue Code will be modified to clarify that, once a taxpayer has exhausted all internal appeal rights with the Service,

interest-free adjustments are no longer allowed.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/00	

**Regulatory Flexibility Analysis  
Required:** Undetermined

Government Levels Affected: Federal

Additional Information: REG-110374-00

Drafting attorney: Lynne A. Camillo  
(202) 622-6040

Reviewing attorney: Jerry Holmes (202)  
622-6040

Treasury attorney: Kevin Knopf (202)  
622-2329

CC:TEGE

**Agency Contact:** Lynne A. Camillo,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-6040

RIN: 1545-AY21

**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**

Proposed Rule Stage

**3019. FOREIGN INSURANCE  
COMPANIES**

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 7805; 26 USC  
842; 26 USC 864

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** Regulation will prescribe rules for determining investment income effectively connected with the conduct of an insurance business in the United States by a foreign company.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis  
Required:** No

Government Levels Affected: None

Additional Information: REG-209066-88  
(INTL-024-88)

Drafting attorney: Steven D. Jensen  
(202) 622-3870

Reviewing attorney: Paul Epstein (202)  
622-3870

Completed in error in the October 1995  
Unified Agenda.

CC:INTL

**Agency Contact:** Steven D. Jensen,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3870

RIN: 1545-AL82

**3020. SECTION 361 OUTBOUND  
TRANSFERS OF PROPERTY TO  
FOREIGN CORPORATIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 7805; 26 USC  
367

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The income tax regulations under section 367(a) will be amended to reflect the changes made to that section by the Technical and Miscellaneous Corrections Act of 1988. Section 367(a)(5) now provides that a transfer of assets to a foreign corporation in an exchange described in section 361 is subject to section 367(a)(1), unless certain ownership requirements and other conditions are met. The regulations will provide guidance regarding the application of this section. The change in the statute was necessitated by the repeal of "General Utilities."

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis  
Required:** No

Government Levels Affected: None

Additional Information: REG-209006-89  
(INTL-089-89)

Drafting attorney: Philip L. Tretiak  
(202) 622-3860

Reviewing attorney: Charlie Besecky  
(202) 622-3860

CC:INTL

**Agency Contact:** Philip L. Tretiak,  
Senior Technical Reviewer, Department

of the Treasury, Internal Revenue  
Service, 1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3860

RIN: 1545-AM97

**3021. FOREIGN INSURANCE  
COMPANY—DOMESTIC ELECTION**

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 7805; 26 USC  
953

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** This regulation will provide substantive and procedural rules regarding the election under section 953(d) to treat certain controlled foreign corporations engaged in the insurance business as domestic corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis  
Required:** No

Government Levels Affected: None

Additional Information: REG-208980-89  
(INTL-765-89)

Drafting attorney: Valerie A. Mark (202)  
622-3840

Reviewing attorney: Philip Garlett (202)  
622-3840

CC:INTL

**Agency Contact:** Valerie A. Mark,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224

## TREAS—IRS

## Proposed Rule Stage

Phone: 202 622-3840

RIN: 1545-AO25

**3022. INFORMATION REPORTING AND RECORD MAINTENANCE UNDER SECTION 6038C****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 7801; 26 USC 6038C**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation project will implement the directives of section 6038C.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-208265-90 (INTL-102-90)

Drafting attorney: Ginny Y. Chung (202) 622-3870

Reviewing attorney: Paul Epstein (202) 622-3870

Treasury attorney: Patricia Brown (202) 622-1781

CC:INTL

**Agency Contact:** Ginny Y. Chung, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

RIN: 1545-AP10

**3023. INTEGRATED FINANCIAL TRANSACTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 864**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation addresses whether matched book sale and repurchase transactions conducted by securities dealers qualify as integrated financial transactions under section 1.861-10(c).**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-209604-93 (INTL-001-93)

Drafting attorney: Ginny Y. Chung (202) 622-3870

Reviewing attorney: Jeff Dorfman (202) 622-3870

Treasury attorney: Patrick Brown (202) 622-1781

CC:INTL

**Agency Contact:** Ginny Y. Chung, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

RIN: 1545-AR20

**3024. SECTION 6048 REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 6048**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This document revises regulations relating to certain foreign trusts under section 6048 of the Internal Revenue Code.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-209594-92 (INTL-067-92)

Drafting attorney: Karen Rennie Quarrie (202) 622-3880

Reviewing attorney: Elizabeth Karzon (202) 622-3880

Treasury attorney: Michael Kirsch (202) 622-0871

Completed in error in the October 1995 Unified Agenda.

CC:INTL

**Agency Contact:** Karen Rennie Quarrie, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3880

RIN: 1545-AR25

**3025. REPORTING REQUIREMENTS FOR WIDELY HELD FIXED INVESTMENT TRUSTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 671; 26 USC 6034A; 26 USC 6049(d)(1); 26 USC 7805**CFR Citation:** 26 CFR 1; 26 CFR 301**Legal Deadline:** None**Abstract:** Regulations on the reporting requirements for widely held fixed investment trusts.**Timetable:**

Action	Date	FR Cite
NPRM	08/13/98	63 FR 43354
Hearing	11/05/98	
NPRM Comment	11/12/98	
Period End		
Second NPRM	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-106871-00 (PS-6-96)

Drafting attorney: Faith Colson (202) 622-3060

Reviewing attorney: H. Grace Kim (202) 622-3060

Treasury attorney: Michael Novey (202) 622-1339

CC:P&amp;SI

**Agency Contact:** Faith Colson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3060

RIN: 1545-AU15

**3026. CIVIL CAUSE OF ACTION FOR CERTAIN UNLAWFUL COLLECTION ACTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** The regulations raise the cap on damages under section 7433 from \$100,000 to \$1,000,000 and provide that if a taxpayer fails to exhaust the administrative remedies available before the Internal Revenue Service, the court may reduce the award of damages. Additionally, the awarding of damages for violations of the automatic stay are now covered by this regulation.

## TREAS—IRS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/97	62 FR 68242
Second NPRM	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Additional Information:** REG-251502-96

Drafting attorney: Kevin B. Connelly (202) 622-3630

Reviewing attorney: Robert A. Miller (202) 622-3630

CC:P&amp;A:CB&amp;S

**Agency Contact:** Kevin B. Connelly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3630

RIN: 1545-AU68

**3027. ELECTING SMALL BUSINESS TRUST****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805; 26 USC 1361; 26 USC 641**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation provides necessary guidance for defining and treating electing small business trusts, which are now eligible shareholders of S Corporations, as provided by the Small Business Job Protection Act of 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

Required: Undetermined

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-251701-96

Drafting attorney: James A. Quinn (202) 622-3060

Reviewing attorney: J. Thomas Hines (202) 622-3060

Treasury attorney: Elizabeth Askey (202) 622-0224

CC:P&amp;SI

**Agency Contact:** James A. Quinn, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224  
Phone: 202 622-3060

RIN: 1545-AU76

**3028. SOURCE RULES FOR PAYMENTS MADE PURSUANT TO CERTAIN SWAP ARRANGEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 863; 26 USC 7701**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Proposed regulations will provide rules for determining the source and character of payments made in certain swap transactions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Additional Information:** REG-253560-96

Drafting attorney: Milton M. Cahn (202) 622-3870

Reviewing attorney: Paul Epstein (202) 622-3870

Treasury attorney: Je Young Baik (202) 622-1773

CC:INTL

**Agency Contact:** Milton M. Cahn, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

RIN: 1545-AU89

**3029. SPECIAL RULES APPLICABLE TO SALES OF DEBT INSTRUMENT BETWEEN RECORD DATES AND THE END OF ACCRUAL PERIODS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulation provides rules to calculate allocation of interest and amount of sale price, when debt instrument is sold between a record date and a payment date (so that seller receives first distribution of interest and principal following sale).

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Additional Information:** REG-242919-96

Drafting attorney: Kenneth P. Christman (202) 622-3950

Reviewing attorney: Marshall Feiring (202) 622-3960

CC:FI&amp;P

**Agency Contact:** Kenneth Christman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3950

RIN: 1545-AU95

**3030. AGREEMENTS FOR PAYMENT OF TAX LIABILITIES IN INSTALLMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** The regulations reflect the amendment of IRC section 6159, section 202 of the Taxpayer Bill of Rights 2, which provides that upon request by a taxpayer the Secretary shall provide an independent review of the termination of an installment agreement. The regulations reflect the amendment to section 6159, which guarantees the availability of installment agreements to taxpayers.

**Timetable:**

Action	Date	FR Cite
NPRM	12/31/97	62 FR 68241
Second NPRM	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Additional Information:** REG-100841-97

Drafting attorney: Kevin B. Connelly (202) 622-3630

Reviewing attorney: Robert Miller (202) 622-3630

CC:P&amp;A:CB&amp;S

**Agency Contact:** Kevin B. Connelly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

## TREAS—IRS

## Proposed Rule Stage

1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3630

**RIN:** 1545–AU97

### 3031. RETURN OF LEVIED PROPERTY IN CERTAIN CASES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** Section 501(b) of the Taxpayer Bill of Rights 2 amended section 6343 of the Internal Revenue Code to authorize the Secretary to return levied property in four enumerated circumstances. Section 1102(d)(1)(B) of RRA 98 changed “Taxpayer Advocate” to “National Taxpayer Advocate” as a person who determines what is in the best interest of the taxpayer. The regulations set forth the circumstances in which the Secretary may return property and procedures to implement these sections.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-101520-97

Drafting attorney: Kevin B. Connelly (202) 622-3630

Reviewing attorney: Robert Miller (202) 622-3630

Treasury attorney: Rita Cavanagh (202) 622-1981

CC:P&A:CB&S

**Agency Contact:** Kevin B. Connelly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3630

**RIN:** 1545–AV01

### 3032. FOREIGN TAX CREDIT ANTIABUSE REGULATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 901; 26 USC 901(k)(4); 26 USC 904; 26 USC 864(e)(7); 26 USC 7701(l); 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will disallow foreign tax credits with respect to foreign taxes generated in certain arrangements from which the reasonably expected economic profits are insubstantial compared to expected foreign tax credits.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-103445-98

Drafting attorney: Rebecca I. Rosenberg (202) 622-3870

Reviewing attorney: Barbara Felker (202) 622-3850

Treasury attorney: Je Young Baik (202) 622-1773

CC:INTL

**Agency Contact:** Rebecca I. Rosenberg, Assistant to the Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545–AV97

### 3033. MERCHANDISE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation defines “merchandise” and explains the need to use inventory accounts.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-122333-97

Drafting attorney: Jan Skelton (202) 622-4970

Treasury attorney: Christine Turgeon (202) 622-0865

CC:IT&A

**Agency Contact:** Janet Skelton, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4970

**RIN:** 1545–AW00

### 3034. HIPAA NONDISCRIMINATION RULES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 9833

**CFR Citation:** 26 CFR 54

**Legal Deadline:** None

**Abstract:** These regulations provide guidance to group health plans and to the employers maintaining them, regarding the prohibition on discriminating against individuals on the basis of a health status-related factor in eligibility or premiums.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-109707-97

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawshunsky (202) 622-6000

Treasury attorney: William Bortz (202) 622-1352

CC:TEGE

These regulations are related to temporary regulations previously published in the Federal Register on April 8, 1997 (REG-253578-96, RIN 1545-AV05).

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545–AW02

### 3035. TRANSPORTATION OF PERSONS AND PROPERTY BY AIR—SECTIONS 4261 AND 4271

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 4261; 26 USC 4271; 26 USC 7805

**CFR Citation:** 26 CFR 49

**Legal Deadline:** None

## TREAS—IRS

## Proposed Rule Stage

**Abstract:** Guidance concerning the excise taxes imposed on the amounts paid for the transportation of persons and property by air.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-106167-98

Drafting attorney: Patrick S. Kirwan (202) 622-3130

Reviewing attorney: Richard Kocak (202) 622-3130

Treasury attorney: John Parcell (202) 622-2578

CC:P&SI

**Agency Contact:** Patrick S. Kirwan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3130

**RIN:** 1545-AW19

**3036. ESTATE TAX DEDUCTION FOR QUALIFIED FAMILY-OWNED BUSINESS INTERESTS (QFOBI)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 2057; 26 USC 7805

**CFR Citation:** 26 CFR 20

**Legal Deadline:** None

**Abstract:** The proposed regulations will address the estate tax deduction for certain qualified family-owned business interests.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-106430-98

Drafting attorney: Leslie H. Finlow (202) 622-3120

Reviewing attorney: Christine Ellison (202) 622-3120

Treasury attorney: Beth Kaufman (202) 622-1766

CC:P&SI

**Agency Contact:** Leslie H. Finlow, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7860

**RIN:** 1545-AW21

**3037. ELECTION TO TREAT TRUST AS ESTATE—SECTION 645**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 645; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance regarding the operation of section 645.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-106542-98

Drafting attorney: Faith Colson (202) 622-3060

Reviewing attorney: J. Thomas Hines (202) 622-3060

Treasury attorney: Beth Kaufman (202) 622-1766

CC:P&SI

**Agency Contact:** Faith Colson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3060

**RIN:** 1545-AW24

**3038. SECTION 988—CONTINGENT DEBT INSTRUMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 988

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will prescribe the tax treatment of section 988 debt instruments that provide for contingent payments.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-106486-98

Drafting attorney: Milton M. Cahn (202) 622-3870

Reviewing attorneys: Jeffrey Dorfman and Rebeca I. Rosenberg (202) 622-3870

Treasury attorney: Je Young Baik (202) 622-1773

CC:INTL

**Agency Contact:** Milton M. Cahn, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-AW33

**3039. CAPITAL GAIN GUIDANCE RELATING TO CRTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 1(h)(11); 26 USC 664

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation provides capital gain guidance relating to charitable remainder trusts in light of the changes made to section 1(h) of the Internal Revenue Code by the Taxpayer Relief Act of 1997.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-110896-98

Drafting attorney: Mary Beth Collins (Carchia) (202) 622-3080

Reviewing attorney: William P. O'Shea (202) 622-3070

Treasury attorney: Beth Kaufman (202) 622-1766

CC:P&SI

**Agency Contact:** Mary Beth Collins (Carchia), Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3080

**RIN:** 1545-AW35

## TREAS—IRS

## Proposed Rule Stage

**3040. MIDDLEMAN REGULATION UNDER SECTIONS 6041 AND 6045****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 6045**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation provides guidance on the legal obligation to file information returns by: (1) an intermediary or middleman who makes payments on behalf of another person, and (2) an investment advisor.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-246249-96

Drafting attorney: Donna M. Crisalli (202) 622-4920

Reviewing attorney: Robert Berkovsky (202) 622-4920

Treasury attorney: Michael Novey (202) 622-1339

CC:IT&amp;A

**Agency Contact:** Donna M. Crisalli, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4920**RIN:** 1545-AW48**3041. MERCHANDISE REGULATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 471; 26 USC 7805; 26 USC 263A; 26 USC 446; ...**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation clarifies when the requirement to use inventory accounting applies. It also clarifies the definition of merchandise and provides guidance with respect to when merchandise will be regarded as an income producing factor in a taxpayer's business.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-122333-97

Drafting attorney: Cheryl Lynn Oseekey (202) 622-4970

Reviewing attorney: Eric Pleet (202) 622-4970

Treasury attorney: Christine Turgeon (202) 622-0865

CC:IT&amp;A

**Agency Contact:** Cheryl Lynn Oseekey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4970**RIN:** 1545-AW61**3042. RELIEF FROM JOINT AND SEVERAL LIABILITY ON JOINT RETURN****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 6015**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This document will provide procedures as are necessary to carry out the provisions of section 6015, including: (1) methods for allocation of items other than the methods under section 6015(d)(3); and (2) providing the opportunity for an individual to have notice of, and an opportunity to participate in, any administrative proceeding with respect to an election made under section 6015(b) or section 6015(c) by the other individual filing the joint return.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.**Additional Information:** REG-106446-98

Drafting attorney: Bridget Finkenaur (202) 622-4940

Reviewing attorney: Judith Wall (202) 622-4940

Treasury attorney: Lily Kahng (202) 622-0160

CC:IT&amp;A

**Agency Contact:** Bridget Finkenaur, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940**RIN:** 1545-AW64**3043. CONSTRUCTIVE SALES OF APPRECIATED FINANCIAL POSITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 1259**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Notice of proposed rulemaking regarding principles for determining if a taxpayer has constructively sold an appreciated financial position.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** REG-102191-98

Drafting attorney: Victoria Scotto Balacek (202) 622-5694

Reviewing attorney: Jonathan Zelnik (202) 622-3920

Treasury attorney: Michael Novey (202) 622-1339

CC:FI&amp;P

**Agency Contact:** Victoria Scotto Balacek, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-5695  
Fax: 202 622-5694**RIN:** 1545-AW97**3044. QUALIFIED OFFERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

## TREAS—IRS

## Proposed Rule Stage

**Abstract:** Proposed rules regarding the qualified offer rule allowing the recovery of reasonable administrative or litigation costs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-121928-98

Drafting attorney: Thomas D. Moffitt (202) 622-7900

Reviewing attorney: Henry Schneiderman (202) 622-7820

Treasury attorney: Rita Cavanaugh (202) 622-1981

CC:IT&A

**Agency Contact:** Thomas D. Moffitt, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7900

**RIN:** 1545-AW99

**3045. NOTICE OF CONTACT OF THIRD PARTIES—SECTION 7602(C)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** This regulation implements and interprets section 7602(c), concerning third-party contacts, so they can understand how the law will affect them. The Restructuring and Reform Act of 1998, section 3417(a), created a new section 7602(c), which requires that the IRS may not contact third parties with request to the determination or collection of the tax liability of a taxpayer without providing reasonable notice to the taxpayer in advance. It also requires the IRS to keep a list of contacts and provide it periodically to the taxpayer.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-104906-99  
Drafting attorney: Bryan T. Camp (202) 622-3630

Reviewing attorney: Larry Schattner (202) 622-3630

CC:P&A:CB&S

**Agency Contact:** Bryan T. Camp, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3630

**RIN:** 1545-AX04

**3046. HIGHWAY VEHICLE—DEFINITION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 48

**Legal Deadline:** None

**Abstract:** Amendments to regulations relating to definition of highway vehicle.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-103829-99

Drafting attorney: Bernard H. Weberman (202) 622-3130

Reviewing attorney: Richard Kocak (202) 622-3130

Treasury attorney: John Parcell (202) 622-2578

CC:P&SI

**Agency Contact:** Bernard H. Weberman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3130

**RIN:** 1545-AX10

**3047. DEPOSIT OF EXCISE TAXES—REVISION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 6302

**CFR Citation:** 26 CFR 40

**Legal Deadline:** None

**Abstract:** Amendments to regulations relating to deposits of excise tax.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/07/00	65 FR 1076
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Organizations, Businesses

**Government Levels Affected:** None

**Additional Information:** REG-103827-99

Drafting attorney: Susan Athy (202) 622-3130

Reviewing attorney: Ruth Hoffman (202) 622-3130

Treasury attorney: John Parcell (202) 622-2578

CC:P&SI

**Agency Contact:** Susan Athy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3130

**RIN:** 1545-AX11

**3048. GUIDANCE ON COST RECOVERY IN THE ENTERTAINMENT INDUSTRY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Application of the income forecast method under section 167(g).

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-103823-99

Drafting attorney: Bernard P. Harvey II (202) 622-3110

Reviewing attorney: Charles B. Ramsey (202) 622-3110

Treasury attorney: Christopher Ohmes (202) 622-0865

CC:P&SI

**Agency Contact:** Bernard P. Harvey II, Attorney-Advisor, Department of the

## TREAS—IRS

## Proposed Rule Stage

Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3110

RIN: 1545–AX12

### 3049. STRADDLES—ONE SIDE LARGER THAN THE OTHER

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 1092

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** A “straddle” occurs, for purposes of section 1092 of the Internal Revenue Code, when a taxpayer enters into two separate positions in financial instruments that “offset” each other. Positions offset each other when, taken together, they substantially diminish the taxpayer’s risk of loss. A taxpayer in a “straddle” is subject to various limitations on recognition of loss on the positions until both positions are liquidated. These regulations will deal with the situation in which one position is larger than the other (that is, the diminution of the risk of loss for one position is only partial).

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-107335-99

Drafting attorney: Kenneth Christman (202) 622-3950

Reviewing attorney: Robert Williams (202) 622-3960

Treasury attorney: Michael Novey (202) 622-1339

CC:FI&P

**Agency Contact:** Kenneth Christman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3950

RIN: 1545–AX16

### 3050. DEFINITION OF ACCOUNTING METHOD

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 446

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will clarify the definition of a change in method of accounting.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-105228-99

Drafting attorney: Jeffery Mitchell (202) 622-6224

Reviewing attorney: Thomas Luxner (202) 622-4970

Treasury attorney: Christine Turgeon (202) 622-0865

CC:IT&A

**Agency Contact:** Jeffery Mitchell, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6224

RIN: 1545–AX21

### 3051. SECTIONS 401(K) AND 410(M) CASH OR DEFERRED ARRANGEMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Update and revise regulations on qualified cash or deferred arrangements, “matching” contributions, and employee contributions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-108639-99

Drafting attorney: R. Lisa Mojiri-Azad (202) 622-6080

Reviewing attorney: Marjorie Hoffman (202) 622-6030

Treasury attorney: W. Thomas Reeder (202) 622-1341

CC:TEGE

**Agency Contact:** Marjorie Hoffman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6030

R. Lisa Mojiri-Azad, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

RIN: 1545–AX26

### 3052. EXCLUSION OF GAIN ON THE SALE OR EXCHANGE OF PRINCIPAL RESIDENCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 121

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking reflects changes made by the Taxpayer Relief Act of 1997 to sections 121 and 1034 of the Code, relating to the exclusion of gain from the sale or exchange of a taxpayer’s principal residence.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-105235-99

Drafting attorney: Sara P. Shepherd (202) 622-4910

Reviewing attorney: David B. Auclair (202) 622-4910

Treasury attorney: Lily Kahng (202) 622-0160

CC:P&A:APJP

**Agency Contact:** Sara P. Shepherd, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910

RIN: 1545–AX28

## TREAS—IRS

## Proposed Rule Stage

**3053. SPECIAL RULES FOR RETROACTIVE PAYMENTS UNDER SECTION 417(A)(7)(A) FOR QUALIFIED RETIREMENT PLANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 417; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Regulation to provide guidance regarding the special rule in IRC section 417(a)(7)(A), which permits qualified retirement plans to provide written explanation of QJSA after the annuity starting date.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** REG-109481-99

Drafting attorney: Robert M. Walsh (202) 622-6090

Reviewing attorney: Marjorie Hoffman (202) 622-6030

CC:TEGE

**Agency Contact:** Marjorie Hoffman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6030Robert M. Walsh, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090**RIN:** 1545–AX34**3054. DEFINITION OF “ISSUED” WITH REGARD TO CHIEF COUNSEL ADVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-206, sec 3509**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** Notice of proposed rulemaking to define the term “Issued” with regard to Chief Counsel Advice.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-113129-98

Drafting attorney: Deborah Lambert-Dean (202) 622-4570

Reviewing attorney: Donald Squires (202) 622-4570

Treasury attorney: Elizabeth Askey (202) 622-0224

CC:P&amp;A:D&amp;PL

**Agency Contact:** Deborah Lambert-Dean, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4570  
Fax: 202 622-9888**RIN:** 1545–AX40**3055. 401(K) AND 401(M) REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Update and revise regulations for cash or deferred arrangements.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-108639-99

Drafting attorney: R. Lisa Mojiri-Azad (202) 622-6080

Reviewing attorney: Marjorie Hoffman (202) 622-6030

Treasury attorney: Donald Wellington (202) 622-1332

CC:TEGE

**Agency Contact:** R. Lisa Mojiri-Azad, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-6080

**RIN:** 1545–AX43**3056. NOTIONAL PRINCIPAL CONTRACTS AND OTHER FINANCIAL PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 446; 26 USC 1234A; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations will provide rules under section 446 for the timing of income and deductions of certain contingent payments under notional principal contracts. The regulations will also provide rules under section 1234A for determining the character of payments under notional principal contracts.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** REG-106395-99

Drafting attorney: Alexa Temple Dubert (202) 622-3071

Reviewing attorney: Jonathan Zelnik (202) 622-3920

Treasury attorney: Michael Novey (202) 622-1339

CC:FI&amp;P

**Agency Contact:** Alexa Temple Dubert, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3071**RIN:** 1545–AX45**3057. SECTION 7430 REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The proposed amendments to the Treasury Regulations incorporate the 1997 and 1998 amendments to 26 U.S.C. 7430, relating to the awarding of attorney's fees in administrative and court proceedings. The amendments to 26 U.S.C. 7430 were enacted under the

## TREAS—IRS

## Proposed Rule Stage

Taxpayer Relief Act of 1997 and the IRS Restructuring and Reform Act of 1998.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-111833-99

Drafting attorney: Norma C. Rotunno (202) 622-7900

Reviewing attorneys: Thomas D. Moffitt (202) 622-7900

Henry S. Schneiderman (202) 622-7820

CC:IT&A

**Agency Contact:** Norma C. Rotunno, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7900

**RIN:** 1545–AX46

**3058. SECTION 1374 TIMBER**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Guidance under section 1374 regarding sales of timber.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-107602-99

Drafting attorney: Cristian Patricio Silva (202) 622-7750

Reviewing attorney: Mark S. Jennings (202) 622-7750

CC:CORP

**Agency Contact:** Cristian Patricio Silva, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7750

**RIN:** 1545–AX50

**3059. ADDRESS CORRECTION**

**Priority:** Info./Admin./Other

**Legal Authority:** 26 USC 25; 26 USC 103

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation provides that certain elections, revocations of those elections, and information reports, shall no longer be filed at the Philadelphia Service Center, but instead shall be filed at the place or places designated by the Commissioner.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-104459-99

Drafting attorney: David E. White (202) 622-3980

Reviewing attorney: Rebecca Harrigal (202) 622-3980

CC:FI&P

**Agency Contact:** David E. White, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980  
Fax: 202 622-4437

**RIN:** 1545–AX51

**3060. COMPENSATION DEFERRED UNDER ELIGIBLE SECTION 457(B) PLANS (SECTION 457 REGULATIONS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 457

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulations with respect to deferred compensation plans of State and local governments and tax-exempt entities under section 457 of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

**Additional Information:** REG-105885-99

Drafting attorney: Cheryl E. Press (202) 622-6060

Reviewing attorney: Robert Patchell (202) 622-6060

CC:TEGE

**Agency Contact:** Cheryl E. Press, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060  
Fax: 202 622-4631

**RIN:** 1545–AX52

**3061. TAX ON INSURANCE COMPANIES OTHER THAN LIFE INSURANCE COMPANIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This project will supplement guidance on what is required in order for a taxpayer to qualify as an insurance company subject to tax under section 831 of the Code.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-111660-99

Drafting attorney: Robert A. Martin (202) 622-7638

Reviewing attorney: Mark Smith (202) 622-3012

Treasury attorney: Louise Epstein (202) 622-1778

CC:FI&P

**Agency Contact:** Robert A. Martin, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7638

**RIN:** 1545–AX54

**3062. DEFINITION OF PRIVATE ACTIVITY BOND—REFUNDING REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

## TREAS—IRS

## Proposed Rule Stage

**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These proposed regulations will provide guidance on the application of the private loan test and the private business use and private payments/security tests to refunding bonds.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-113007-99

Drafting attorney: Bruce M. Serchuk (202) 622-3980

CC:FI&amp;P

**Agency Contact:** Bruce M. Serchuk, Senior Technical Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980  
Fax: 202 622-4437**RIN:** 1545–AX55**3063. AGENT FOR THE GROUP UNDER SECTION 1.1502-77****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 1502**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Revises the rules under section 1.1502-77 governing the common parent as agent for the consolidated group and the designation of a new agent when the common parent ceases to exist.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-103805-99

Drafting attorney: Gerald B. Fleming (202) 622-7930

Reviewing attorney: Steven J. Hankin (202) 622-7930

Treasury attorney: Elizabeth Askey (202) 622-0224

CC:CORP

**Agency Contact:** George Robert Johnson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7930  
Fax: 202 622-6889Gerald B. Fleming, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7930  
Fax: 202 622-6889**RIN:** 1545–AX56**3064. EQUITY OPTIONS WITH FLEXIBLE TERMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 1092(c)(4)(H)**CFR Citation:** 26 CFR 1092**Legal Deadline:** None**Abstract:** The regulation will provide guidance about qualified covered call treatment for equity options with flexible terms.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-115560-99

Drafting attorney: Pamela Lew (202) 622-3950

Reviewing attorney: Robert B. Williams (202) 622-3960

Treasury attorney: Michael Novey (202) 622-1339

CC:FI&amp;P

**Agency Contact:** Pamela Lew, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3950  
Fax: 202 622-5699**RIN:** 1545–AX66**3065. TIERED STRUCTURES—ESBTS AND ESOPS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** 26 USC 7805; 26 USC 444**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The proposed regulations will provide guidance on whether an S Corporation with an electing small business trust (ESBT) or an employee stock ownership plan as a shareholder may make an election under section 444.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** REG-116813-99

Drafting attorney: James A. Quinn (202) 622-3060

Bradford Poston (202) 622-3060

Reviewing attorney: J. Thomas Hines (202) 622 3060

Treasury attorney: Elizabeth Askey (202) 622-0224

CC:P&amp;SI

**Agency Contact:** James A. Quinn, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224  
Phone: 202 622-3060**RIN:** 1545–AX71**3066. CLARIFICATION OF ENTITY CLASSIFICATION RULES REGARDING ENTITIES CLASSIFIED AS CORPORATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** Special rule to clarify the per se list of corporate entities.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-101739-00

Drafting attorney: Camille B. Evans (202) 622-3860

## TREAS—IRS

## Proposed Rule Stage

Reviewing attorney: Philip Tretiak (202) 622-3860

CC:INTL

**Agency Contact:** Camille B. Evans, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860

**RIN:** 1545–AX75

### 3067. DEFINITION OF PASSIVE FOREIGN INVESTMENT COMPANY UNDER SECTION 1297

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805(b); 26 USC 1297

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation defines a passive foreign investment company (PFIC) under section 1297(a) and the terms “passive income” and “passive asset” under section 1297(b). The regulation will also set forth the exceptions to the terms “passive income” and “passive asset,” and provide guidance on the applicability of the look-through rule under section 1297(c), in cases involving PFICs that own 25 percent or more of a lower-tier foreign subsidiary. In addition, the regulation will provide guidance under section 1297(e), regarding the overlap rule between a controlled foreign corporation and a PFIC.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-100427-00

Drafting Attorney: Margaret A. Fung (202) 622-3840

Reviewing Attorney: Philip Garlett (202) 622-3840

Treasury Attorney: Michael Caballero (202) 622-0851

CC:INTL

**Agency Contact:** Margaret A. Fung, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545–AX78

### 3068. DISCLOSURE OF RETURN AND RETURN INFORMATION TO DESIGNEE OF TAXPAYER

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6103(c)

**CFR Citation:** 26 CFR 2

**Legal Deadline:** None

**Abstract:** The purpose of this regulation is to implement the amendment contained in the Taxpayer Bill of Rights II (TBOR II) to Internal Revenue Code section 6103(c). TBOR II eliminated the requirement for a request or consent for disclosure to be in writing. The proposed regulations would permit the Internal Revenue Service to disclose returns and return information to a taxpayer’s designee, pursuant to a non-written request for or consent to disclosure. The regulations will also provide rules and guidance for consent in an electronic environment. Additionally, the regulations will provide guidance to Internal Revenue Service personnel to clarify a number of issues that have arisen since the regulation was initially promulgated in the late 1970s.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-103320-00

Drafting attorney: Jamie G. Bernstein (202) 622-4570

Reviewing attorney: David Fish (202) 622-4570

Treasury attorney: Elizabeth Askey (202) 622-0224

CC:P&A:D&PL

**Agency Contact:** Jamie G. Bernstein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224  
Phone: 202 622-4570  
Fax: 202 622-9888

**RIN:** 1545–AX85

### 3069. PROCUREMENT/PURCHASING CARD REPORTING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6041; 26 USC 3406

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations will provide guidance on the rules, information reporting, penalties, and back-up withholding rules for purchases with procurement/purchasing cards.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** REG-105298-97

Drafting attorney: Donna J. Welch (202) 622-4910

CC:P&A:APJP

**Agency Contact:** Donna J. Welch, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910  
Fax: 202 622-6232

**RIN:** 1545–AX86

### 3070. • STATUTE OF LIMITATIONS ON COLLECTION INSTALLMENT AGREEMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6331(k)

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The purpose of this regulation is to provide for the prohibition of levy while an installment agreement is pending with the Secretary, while an installment agreement is in effect, and following the rejection or termination of an installment agreement. This levy prohibition is established in section 6331(k) of title 26, as added by the IRS Restructuring and Reform Act of 1998. The goal of the regulations is to clarify when levy is prohibited and the effect of the prohibition on the statute of limitations for collection.

## TREAS—IRS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: REG-104762-00

Drafting attorney: Frederick W. Schindler (202) 622-3620

Reviewing attorney: Kathryn A. Zuba (202) 622-3620

CC:P&amp;A:CB&amp;S

**Agency Contact:** Frederick W. Schindler, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3620

RIN: 1545–AX89

**3071. • CLARIFICATION OF FOREIGN-BASED COMPANY SALES INCOME RULES**

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 7805; 26 USC 954

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** This regulation clarifies when a controlled foreign corporation cannot exclude sales income from foreign-based company sales income under the manufacturing exception by reason of activities of a contract manufacturer. Likewise, the branch rule under IRC section 954(d)(2) does not apply to a contract manufacturer.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: REG-106356-00

Drafting attorney: Valerie Mark (202) 622-3840

Reviewing attorney: Phyllis E. Marcus (202) 622-3840

CC:INTL

**Agency Contact:** Phyllis E. Marcus, Branch Chief, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

RIN: 1545–AX91

**3072. • CAPITALIZATION OF INTEREST AND CARRYING CHARGES PROPERLY ALLOCABLE TO STRADDLES**

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 7805; 26 USC 263(g); 26 USC 1092

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** Regulations will clarify the types of payments that may be “interest” or “carrying charges” subject to 26 U.S.C. 263(g). Regulations will also clarify the operation of the capitalization rules of 26 U.S.C. 263(g). Regulations will also clarify what constitutes “positions” and “losses” subject to 26 U.S.C. 1092.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: REG-105801-00

Drafting attorney: Kenneth Christman (202) 622-3950

Reviewing attorney: Robert Williams (202) 622-4062

Treasury attorney: Mike Novey (202) 622-1339

CC:FI&amp;P

**Agency Contact:** Kenneth Christman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3950

RIN: 1545–AX92

**3073. • ASSUMPTION OF PARTNERSHIP LIABILITIES**

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 26 USC 752

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** This regulation prevents the acceleration or duplication of losses through the assumption of liabilities in transactions involving partnerships.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Additional Information: REG-106736-00

Drafting attorney: Shannon Cohen (202) 622-3050

Reviewing attorney: Dianna Miosi (202) 622-3050

Treasury attorney: James Sowell (202) 622-5721

CC:P&amp;SI

**Agency Contact:** Shannon Cohen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

RIN: 1545–AX93

**3074. • SPECIAL BASIS RULES UNDER SECTION 705**

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 705; 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The regulations will limit the increase to basis under section 705, where a corporation acquires an interest in a partnership that holds stock in the same corporation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: REG-106702-00

Drafting attorney: Matthew Lay (202) 622-3050

Reviewing attorney: David Haglund (202) 622-3050

Treasury attorney: James Sowell (202) 622-5721

## TREAS—IRS

## Proposed Rule Stage

CC:P&amp;SI

**Agency Contact:** Matthew Lay, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

RIN: 1545–AX94

**3075. • LIKE-KIND EXCHANGES UNDER SECTION 168****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 148; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Proposed regulations under section 168 relating to like-kind exchanges.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-106590-00

Drafting attorney: Alan H. Cooper (202) 622-3110

Reviewing attorney: Charles Ramsey (202) 622-3110

Treasury attorney: Chris Ohmes (202) 622-1335

CC:P&amp;SI

**Agency Contact:** Alan H. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3110

RIN: 1545–AX95

**3076. • DEFINITION OF INCOME UNDER SECTION 643****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 643; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Guidance under section 643 on whether State law definition of trust income is trust income for Federal tax purposes.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** REG-106513-00

Drafting attorney: Bradford R. Poston (202) 622-3060

Reviewing attorney: Tom Hines (202) 622-3060

Treasury attorney: Beth Kaufman (202) 622-1766

CC:P&amp;SI

**Agency Contact:** Bradford R. Poston, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3060

RIN: 1545–AX96

**3077. • DEFINITION OF DIESEL FUEL****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 48**Legal Deadline:** None**Abstract:** The regulations will revise the definition of diesel fuel.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-106457-00

Drafting attorney: Frank K. Boland (202) 622-3130

Reviewing attorney: Richard Kocaks (202) 622-3130

Treasury attorney: John Parcell (202) 622-2578

CC:P&amp;SI

**Agency Contact:** Frank K. Boland, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3130

RIN: 1545–AX97

**3078. • AUTOMATIC EXTENSION FOR FORM 706****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6081; 26 USC 7805**CFR Citation:** 26 CFR 20**Legal Deadline:** None**Abstract:** Regulation will authorize automatic extension of time for filing Form 706.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** REG-106511-00

Drafting attorney: Mary Berman (202) 622-3050

Reviewing attorney: Katherine Mellody (202) 622-3090

Treasury attorney: Elizabeth Kaufman (202) 622-1766

CC:P&amp;SI

**Agency Contact:** Mary Berman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

RIN: 1545–AX98

**3079. • TRANSFERS OF PROPERTY TO THIRD PARTIES ON BEHALF OF A SPOUSE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The proposed regulation will provide that a transfer of property by a spouse to a third party will be on behalf of the other spouse (or former spouse) only if a divorce or separation instrument, consent or ratification expressly states that the nontransferring spouse agrees that such transfer is on his or her behalf and agrees to accept the tax consequences of the transfer.

## TREAS—IRS

## Proposed Rule Stage

Examples will be given. Section 1.1041-1T(c), Q.A-9, of the temporary Income Tax Regulations will be superseded.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-107151-00

Drafting attorney: Edward C. Schwartz (202) 622-4960

Reviewing attorney: William A. Jackson (202) 622-4960

CC:IT&A

**Agency Contact:** Edward C. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4960

**RIN:** 1545-AX99

**3080. • ELECTRONIC PAYEE STATEMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6041

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation would provide authority to the Service to allow payers to, pursuant to a payee's election, satisfy the requirement to furnish payee statements (i.e., payee's copy of certain information returns) in an electronic format.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** REG-107186-00

Drafting attorney: Eric J. Lucas (202) 622-4920

Reviewing attorney: Mike Montemurro (202) 622-4920

CC:P&A:CB&S

**Agency Contact:** Eric J. Lucas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4920

**RIN:** 1545-AY00

**3081. • HEDGING TRANSACTIONS UNDER SECTION 1221(A)(7) AND SECTION 446**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 1221

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides guidance under sections 446 and 1221(a)(7) regarding conforming the current regulations to the revised statute.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-107047-00

Drafting attorney: Jo Lynn Ricks (202) 622-3920

Reviewing attorney: Alvin Kraft (202) 622-3920

CC:FI&P

**Agency Contact:** Jo Lynn Ricks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3920

**RIN:** 1545-AY02

**3082. • GUIDANCE UNDER SECTION 894**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 894; 26 USC 871; 26 USC 881

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation provides guidance under section 894(c) for imposing tax liability on foreign persons receiving U.S. source income from entities treated as domestic corporations for U.S. tax purposes, and as fiscally transparent entities under the laws of the jurisdiction, whose

treaty with the United States is being invoked.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** REG-107101-00

Drafting attorney: Shawn Renee Pringle (202) 622-3850

Reviewing attorney: Elizabeth U. Karzon (202) 622-3880

Treasury attorney: Patrick Brown (202) 622-1754

CC:INTL

**Agency Contact:** Shawn Renee Pringle, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

**RIN:** 1545-AY03

**3083. • GUIDANCE NECESSARY TO FACILITATE ELECTRONIC TAX ADMINISTRATION**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 7805; 26 USC 6011

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This proposed regulation will amend regulations to allow electronic filing for all forms and attachments.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-107184-00

Drafting attorney: Sara P. Sheperd (202) 622-4910

Reviewing attorney: George J. Blaine

CC:P&A:APJP

## TREAS—IRS

## Proposed Rule Stage

**Agency Contact:** Sara P. Shepherd, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910  
**RIN:** 1545–AY04

**3084. • REVISION OF CIRCULAR NO. 230**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 330

**CFR Citation:** 31 CFR 10

**Legal Deadline:** None

**Abstract:** This document provides advance notice of proposed rulemaking to amend the regulation governing practice before the IRS, which appears in the Code of Federal Regulations and in pamphlet form as Treasury Department Circular No. 230, Regulations Governing the Practice of Attorneys, Certified Public Accountants, Enrolled Agents, Enrolled Actuaries, and Appraisers Before the IRS. This document also invites individuals and organizations to submit comments on revising Circular No. 230 to address general standards of practice and standards of practice in the case of tax shelters.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/05/00	65 FR 30375
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-1111835-99

Drafting attorney: Richard Goldstein (202) 622-7880

CC:P&A:APJP

**Agency Contact:** Richard Goldstein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7880

**RIN:** 1545–AY05

**3085. • REGULATIONS GOVERNING PRACTICE BEFORE THE INTERNAL REVENUE SERVICE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 330

**CFR Citation:** 31 CFR 10

**Legal Deadline:** None

**Abstract:** 31 U.S.C. 330 authorizes the Secretary of the Treasury to regulate the practice of representatives before the Department and, after notice and opportunity for a proceeding, to suspend or disbar from practice those representatives who are incompetent, disreputable, or dishonest. The Secretary has published regulations in Circular No. 230 (31 CFR 10) pursuant to this authority, which he amends from time to time.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/05/00	65 FR 30375
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-111835-99

Drafting attorney: Richard Goldstein (202) 622-7880

Reviewing attorney: George Bowder (202) 622-7880

Treasury attorney: Rita Cavanaugh (202) 622-1981

CC:P&A:APJP

**Agency Contact:** Richard Goldstein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7880

**RIN:** 1545–AY07

**3086. • CLASSIFICATION OF CERTAIN EMPLOYEE BENEFIT TRUSTS**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The regulations will provide guidance regarding the classification of certain employee benefit trusts under 7701(a)(30) and (31) of the Code.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-108553-00

Drafting attorney: James A. Quinn (202) 622-3060

Reviewing attorney: J. Thomas Hines (202) 622-3060

Treasury attorney: Beth Kaufman (202) 622-1766

CC:P&SI

**Agency Contact:** James A. Quinn, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224  
Phone: 202 622-3060

**RIN:** 1545–AY09

**3087. • GUIDANCE UNDER SECTION 6302 REGARDING THE FEDERAL TAX DEPOSIT SYSTEM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 6302; 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations remove Federal Reserve banks as depositaries for Federal tax deposits.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** REG-107176-00

Drafting attorney: Brinton T. Warren (202) 622-4940

Reviewing attorney: Judith M. Wall (202) 622-4940

CC:P&A:APJP

**Agency Contact:** Brinton T. Warren, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940

**RIN:** 1545–AY10

## TREAS—IRS

## Proposed Rule Stage

**3088. • CHECK THE BOX REGULATIONS—AMENDMENT**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** This regulation will provide that, for purposes of section 332, a plan of liquidation is deemed adopted immediately before a deemed liquidation pursuant to an elective change in entity classification.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-110659-00

Drafting attorney: David Sotos (202) 622-3050

Reviewing attorney: Jeanne Sullivan (202) 622-3050

Treasury attorney: James Sowell (202) 622-5721

CC:P&SI

**Agency Contact:** David Sotos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

**RIN:** 1545–AY16

**3089. • “AUTHORIZED PLACEMENT AGENCY” UNDER SECTION 152**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 152

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The proposed regulations amend the definition of “authorized placement agency” (for purposes of determining whether a child placed for legal adoption in a taxpayer’s home is a dependent of the taxpayer) to include biological parents and other persons authorized by State law to place children for legal adoption.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-107279-00

Drafting attorney: Elizabeth K. Kaye (202) 622-4910

Reviewing attorney: Pamela W. Fuller (202) 622-4910

CC:P&A:APJP

**Agency Contact:** Elizabeth K. Kaye, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910  
Fax: 202 622-6232

**RIN:** 1545–AY18

**3090. • DISQUALIFIED PERSONS**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 26 USC 1031

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These proposed regulations narrow the definition of the term “disqualified person” so that banks and bank subsidiaries may still serve as qualified intermediaries, even if an investment banker or broker is a member of the same control group.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-107175-00

Drafting attorney: J. Peter Baumgarten (202) 622-4950

Reviewing attorney: Kelly Alton (202) 622-5048

Linda Kroening (202) 622-4800

CC:IT&A

**Agency Contact:** J. Peter Baumgarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4950

**RIN:** 1545–AY19

**3091. • TAX TREATMENT OF CAFETERIA PLANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulations relating to the tax treatment of cafeteria plans.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-117162-99

Drafting attorney: Janet A. Laufer (202) 622-6060

Reviewing attorney: Christine L. Keller (202) 622-6080

CC:TEGE

**Agency Contact:** Janet A. Laufer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060  
Fax: 202 622-4084

**RIN:** 1545–AY23

**3092. • DISALLOWANCE OF DEDUCTIONS AND CREDITS FOR FAILURE TO FILE TIMELY RETURN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 882(c); 26 USC 874

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Review and amendment of regulations concerning disallowance of deductions and credits claimed by foreign corporations and nonresident aliens for failure to timely file a U.S. income tax return in accordance with IRC sections 882(c) and 874(a).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

## TREAS—IRS

## Proposed Rule Stage

**Additional Information:** REG-107100-00

Drafting attorney: Leslie R. Rubenstein (202) 622-3880

Reviewing attorney: W. Edward Williams (202) 622-3880

Treasury attorney: Manal Corwin (202) 622-1317

CC:INTL

**Agency Contact:** Leslie R. Rubenstein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3880

**RIN:** 1545–AY26

**3093. • SECTION 1503(D) REGULATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will revise provisions in section 1503(d) regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** REG-106879-00

Drafting attorney: Camille B. Evans (202) 622-3860

Reviewing attorney: Charles P. Besecky (202) 622-3860

CC:INTL

**Agency Contact:** Camille B. Evans, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860

**RIN:** 1545–AY27

**3094. • WITHHOLDING TAX ON FOREIGN PARTNERS' SHARE OF EFFECTIVELY CONNECTED INCOME**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 1446

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance for partnership withholding on partner's allocable share of partnership's effectively connected income.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-108524-00

Drafting attorney: Jeffrey L. Vinnik (202) 622-3840

Reviewing attorney: Phyllis Marcus (202) 622-3840

Treasury attorney: Patrick Brown (202) 622-1754

CC:INTL

**Agency Contact:** Jeffrey L. Vinnik, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545–AY28

**3095. • APPLICATION OF SEPARATE FOREIGN TAX CREDIT LIMITATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 904

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will clarify the application of separate foreign tax credit limitations under section 904 of the Code.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Additional Information:** REG-106409-00

Drafting attorney: Rebecca I. Rosenberg (202) 622-3870

Reviewing attorney: Barbara Felker (202) 622-3870

Treasury attorney: Michael Caballero (202) 622-0851

This regulation is related to REG-104683-00 (1545-AX88).

CC:INTL

**Agency Contact:** Rebecca I. Rosenberg, Assistant to the Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545–AY29

**3096. • MID-CONTRACT CHANGE IN TAXPAYER**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 460

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Proposed regulations will address issues presented by a change in the taxpayer accounting for a long-term contract.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-105946-00

Drafting attorney: John M. Aramburu (202) 622-4960

Reviewing attorney: Bob Casey (202) 622-4960

Treasury attorney: Christine Turgeon (202) 622-0865

CC:IT&A

**Agency Contact:** John M. Aramburu, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4960

**RIN:** 1545–AY31

**3097. • HIPAA GENERAL NONDISCRIMINATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 9833

**CFR Citation:** 26 CFR 1

## TREAS—IRS

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** These regulations provide guidance regarding the requirements imposed on group health plans not to discriminate in rules for eligibility under the plan on the basis of any health factor, and not to require any individual to pay a higher premium or contribution for coverage under the plan than any similarly situated individual based on any health factor.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-114082-00

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawshunsky (202) 622-6080

CC:TEGE

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545–AY32

**3098. • HIPAA  
NONDISCRIMINATION/EXCEPTION  
FOR CHURCH PLANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 7853

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide guidance on the exception for certain grandfathered church plans from the general rule requiring group health plans not to discriminate in rules for eligibility on the basis of any health factor.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-114083-00

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawnshunsky (202) 622-6080

CC:TEGE

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545–AY33

**3099. • HIPAA  
NONDISCRIMINATION/BONA FIDE  
WELLNESS PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 9833

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** These regulations provide guidance regarding the exception for certain wellness programs to the general rule imposed on group health plans not to require a higher premium or contribution from an individual than from a similarly situated individual based on any health factor.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-114084-00

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawnshunsky (202) 622-6080

CC:TEGE

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545–AY34

**3100. • GUIDANCE UNDER SECTION  
6050P REGARDING INFORMATION  
REPORTING ON CANCELLATION OF  
INDEBTEDNESS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation relates to information reporting on the cancellation of indebtedness.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** REG-107524-00

Drafting attorney: Sharon Lee Hall (202) 622-4930

Reviewing attorney: Christopher F. Kane (202) 622-4930

Treasury attorney: Mike Novey (202) 622-1339

CC:IT&A

**Agency Contact:** Sharon Lee Hall, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4930

**RIN:** 1545–AY35

**3101. • NONDISCRIMINATION  
REQUIREMENTS FOR CERTAIN  
DEFINED CONTRIBUTION  
RETIREMENT PLANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 401

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will revise the requirements for qualified defined contribution plans that are tested for compliance with the nondiscrimination rules on a benefits basis.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

## TREAS—IRS

## Proposed Rule Stage

**Government Levels Affected:** None  
**Additional Information:** REG-114697-00  
 Drafting attorney: Linda S.F. Marshall (202) 622-6090  
 Reviewing attorney: Marjorie Hoffman (202) 622-6030  
 Treasury attorney: Harlan Weller (202) 622-1001  
 CC:TEGE  
**Agency Contact:** Linda S.F. Marshall, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-6090  
**RIN:** 1545–AY36

**3102. • DOLLAR-VALUE LIFO**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 26 USC 472; 26 USC 7805  
**CFR Citation:** 26 CFR 1  
**Legal Deadline:** None  
**Abstract:** This regulation will provided guidance under the dollar-value last-in, first-out (LIFO) inventory method for taxpayers that define LIFO items based on components of cost.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Additional Information:** REG-107580-00  
 Drafting attorney: Jeffery G. Mitchell (202) 622-6224  
 Reviewing attorney: Eric L. Pleet (202) 622-6224  
 Treasury attorney: Cristy Turgeon (202) 622-0865  
 CC:IT&A  
**Agency Contact:** Jeffery Mitchell, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-6224  
**RIN:** 1545–AY39

**3103. • SECTION 83-1032 CONFORMING CHANGES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 26 USC 7805  
**CFR Citation:** 26 CFR 1  
**Legal Deadline:** None  
**Abstract:** The regulations clarify the mechanics of sections 1.83-6(b) and 1.83-6(d).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None  
**Additional Information:** REG-113078-00  
 Drafting attorney: Jean Marie Casey (202) 622-6030  
 Reviewing attorney: Charles Deliee (202) 622-6030  
 CC:TEGE  
**Agency Contact:** Jean Marie Casey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-6030  
**RIN:** 1545–AY40

**3104. • SECTION 355(E) GUIDANCE**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 26 USC 7805; 26 USC 355  
**CFR Citation:** 26 CFR 1  
**Legal Deadline:** None  
**Abstract:** This regulation provides guidance on section 355(e) of the Internal Revenue Code. Section 355(e) provides that a distributing corporation will recognize gain on the distribution of stock of a controlled corporation if 50 percent of the stock of the distributing corporation or controlled corporation is acquired pursuant to a plan that includes the distribution.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None  
**Additional Information:** REG-107566-00  
 Drafting attorney: Brendan O'Hara (202) 622-7530  
 Reviewing attorney: Vicki Hyché (202) 622-7530  
 Treasury attorney: Karen Gilbreath (202) 622-1788  
 CC:CORP  
**Agency Contact:** Brendan O'Hara, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-7530  
**RIN:** 1545–AY42

**3105. • GUIDANCE UNDER SUBPART F RELATING TO PARTNERSHIPS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 28 USC 7805  
**CFR Citation:** 26 CFR 1  
**Legal Deadline:** None  
**Abstract:** These proposed regulations provide guidance for the treatment under subpart F of a controlled foreign corporation partners distributive share of subpart F income.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** Governmental Jurisdictions  
**Government Levels Affected:** None  
**Additional Information:** REG-112502-00  
 Drafting attorney: Valerie A. Marks (202) 622-3840  
 Reviewing attorney: Phyllis Marcus (202) 622-3840  
 Treasury attorney: Patrick Brown (202) 622-1754  
 CC:INTL  
**Agency Contact:** Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
 Phone: 202 622-3840  
**RIN:** 1545–AY45

**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**
**Final Rule Stage**
**3106. REGULATIONS UNDER SECTION 367 TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (PUB. L. 98-369)**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 367

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The income tax regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

**Timetable:**

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17990
Final Action	12/00/00	

**Regulatory Flexibility Analysis**
**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-209042-86 (INTL-610-86)

Drafting attorney: Philip L. Tretiak (202) 622-3860

Reviewing attorney: Charlie Besecky (202) 622-3860

CC:INTL

**Agency Contact:** Philip L. Tretiak, Senior Technical Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860

**RIN:** 1545-AK74

**3107. COMPUTATION OF A BRANCH'S TAXABLE INCOME; TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Branch rules on how to translate branch income. Taxation of exchange gain or loss on branch remittances.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48457
Final Action	12/00/00	

**Regulatory Flexibility Analysis**
**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-208270-86 (INTL-965-86)

Drafting attorney: Steven D. Jensen (202) 622-3870

Reviewing attorneys: Jeffrey Dorfman and Rebecca I. Rosenberg (202) 622-3870

Treasury attorney: Patrick Brown (202) 622-1754

CC:INTL

**Agency Contact:** Steven D. Jensen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-AM12

**3108. EARNINGS STRIPPING PAYMENTS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation addresses the deductibility of interest under section 163 being limited when paid by a corporation to related persons not subject to U.S. tax.

**Timetable:**

Action	Date	FR Cite
NPRM	06/18/91	56 FR 27907
Hearing	09/25/91	56 FR 27927
Final Action	12/00/00	

**Regulatory Flexibility Analysis**
**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-209059-89 (INTL-870-89)

Drafting attorney: Milton M. Cahn (202) 622-3870

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870

CC:INTL

**Agency Contact:** Milton M. Cahn, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-AO24

**3109. CREDIT FOR INCREASING RESEARCH ACTIVITIES**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 41

**CFR Citation:** 26 CFR 602; 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations provide rules describing when computer software, which is developed by (or for the benefit of) a taxpayer primarily for the taxpayer's internal use, can qualify for the credit for increasing research activities.

**Timetable:**

Action	Date	FR Cite
NPRM	01/02/97	62 FR 81
NPRM Comment	04/22/97	
Period End		
Hearing	05/13/97	
Final Action	03/00/01	

**Regulatory Flexibility Analysis**
**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-209494-90 (PS-16-90)

Drafting attorneys: Leslie H. Finlow (202) 622-7860

Lisa Shuman (202) 622-3120

Reviewing attorney: Christine Ellison (202) 622-3120

Treasury attorney: Christopher Ohmes (202) 622-0869

CC:P&amp;SI

**Agency Contact:** Leslie H. Finlow, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

## TREAS—IRS

## Final Rule Stage

Phone: 202 622-7860

Lisa Shuman, Attorney-Advisor,  
Department of the Treasury, Internal  
Revenue Service, 1111 Constitution  
Avenue NW, Washington, DC 20224  
Phone: 202 622-3120

RIN: 1545-AO51

### 3110. FRINGE BENEFIT SOURCING UNDER SECTION 861

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 861

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will address the circumstances in which an allocation of income of an individual for the performance of services both within and without the United States is appropriately made only on the time basis.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/00	65 FR 3402
Public Hearing	07/18/00	65 FR 3402
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-208254-90 (INTL-107-90)

Drafting attorney: David F. Bergkuist (202) 622-3860

Reviewing attorney: Anne Devereaux (202) 622-3850

Treasury attorney: Michael Kirsch (202) 622-0871

CC:INTL

**Agency Contact:** David F. Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860

RIN: 1545-AO72

### 3111. FOREIGN GRANTOR TRUSTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 679

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance to taxpayers concerning the

income tax treatment of transfers by U.S. persons to foreign trusts having U.S. beneficiaries. The amendments will conform to changes made by section 1013 of the Tax Reform Act of 1976 and changes made to section 679 by the Small Business Job Protection Act of 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/00	65 FR 48185
Public Hearing	11/08/00	65 FR 48185
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-209038-89 (INTL-243-89)

Drafting attorney: Willard W. Yates (202) 622-3870

Reviewing attorney: Elizabeth Karzon (202) 622-3880

Treasury attorney: Michael Kirsch (202) 622-0871

Completed in error in the October 1995 Unified Agenda.

CC:INTL

**Agency Contact:** Willard W. Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870  
Fax: 202 622-4476

RIN: 1545-AO75

### 3112. TAXATION OF GLOBAL TRADING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 864; 26 USC 482; 26 USC 863

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Regulations to improve the taxation of global trading.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/28/90	55 FR 35152
NPRM	03/06/98	63 FR 11177
NPRM Comment	06/04/98	
Period End		
Hearing	07/14/98	63 FR 11177
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-208299-90 (INTL-70-90)

Drafting attorney: Ginny Y. Chung (202) 622-3870

Reviewing attorney: Paul Epstein (202) 622-3870

Treasury attorney: Patricia Brown (202) 622-1781

CC:INTL

**Agency Contact:** Ginny Y. Chung, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3870

RIN: 1545-AP01

### 3113. ACCOUNTING FOR LONG-TERM CONTRACTS

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 7805; 26 USC 460

**CFR Citation:** 26 CFR 1; 26 CFR 301

**Legal Deadline:** None

**Abstract:** Section 460 requires a taxpayer to use the percentage-of-completion method of accounting for long-term contracts. The final regulations will provide general guidelines for determining whether a manufactured item is "unique" or normally requires more than 12 months to complete. In addition, the final regulations will provide general rules for long-term contracts, including special accounting rules for exempt construction contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/99	64 FR 24096
Correction to NPRM	06/16/99	64 FR 32305
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** REG-208156-91 (IA-58-91)

Drafting attorney: Leo F. Nolan II (202) 622-4960

## TREAS—IRS

## Final Rule Stage

Reviewing attorney: Robert M. Casey  
(202) 622-4960

Treasury attorney: Cristine Turgeon  
(202) 622-0865

CC:IT&A

**Agency Contact:** Leo F. Nolan II,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4960

**RIN:** 1545-AQ30

### 3114. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE"

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 414

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations define the term "highly compensated employee" under section 414(q) of the Code. Temporary and proposed regulations, under sections 414(q) and 414(s), were published February 19, 1988 (53 FR 4965). Final regulations, under section 414(s), were published September 19, 1991 (56 FR 47659) under project EE-129-86. The regulations under 414(q) were split off from project EE-129-86. It is anticipated that final regulations under section 414(q) will be published in the future under project REG-209558-92 (EE-32-92).

#### Timetable:

Action	Date	FR Cite
NPRM	02/19/88	53 FR 4999
NPRM Comment Period End	04/19/88	
Partially Closed by TD 8548	06/27/94	59 FR 32911
Final Action	12/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Local, State

**Federalism:** Undetermined

**Additional Information:** REG-209558-92

Drafting attorney: R. Lisa Mojiri-Azad  
(202) 622-6080

Reviewing attorney: Marjorie Hoffman  
(202) 622-6030

Treasury attorney: Don Wellington  
(202) 622-1332

CC:TEGE

**Agency Contact:** R. Lisa Mojiri-Azad,  
Senior Attorney, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545-AQ74

### 3115. PASSIVE FOREIGN INVESTMENT COMPANIES—SPECIAL RULES FOR FOREIGN BANKS AND SECURITIES DEALERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 1297

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance for qualifying foreign banks and securities dealers for the exception to passive income characterization for purposes of the income and asset tests of the PFIC provisions.

#### Timetable:

Action	Date	FR Cite
NPRM	04/28/95	60 FR 20922
Hearing	09/11/95	60 FR 39902
Final Action	12/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-209733-93 (INTL-65-93)

Drafting attorney: Margaret A. Fung  
(202) 622-3840

Reviewing attorney: Philip Garlett (202)  
622-3840

Treasury attorney: Michael Caballero  
(202) 622-0851

CC:INTL

**Agency Contact:** Margaret A. Fung,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3840

**RIN:** 1545-AS46

### 3116. PROPOSED REGULATION UNDER SECTIONS 882 AND 884

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 882; 26 USC 884

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance relating to the treatment of financial instruments and loans between partners and partnerships for purposes of sections 882 and 884.

#### Timetable:

Action	Date	FR Cite
NPRM	03/08/96	61 FR 9377
Final Action	12/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-209805-95 (INTL-054-95)

Drafting attorney: Ginny Y. Chung (202)  
622-3870

Reviewing attorney: Paul Epstein (202)  
622-3870

CC:INTL

**Agency Contact:** Ginny Y. Chung,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3870

**RIN:** 1545-AT96

### 3117. TREATMENT OF OBLIGATION-SHIFTING TRANSACTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 7701

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations recharacterize obligation-shifting transactions. Obligation-shifting transactions are transactions in which the transferee assumes obligations, or acquires property subject to obligations under an existing lease or similar agreement. The transferor or any other party has already received, or retains the right to receive amounts that are allocable to periods after the transfer. The regulations prevent tax avoidance by recharacterizing obligation-shifting transactions in a manner that clearly reflects the parties' income,

#### Timetable:

Action	Date	FR Cite
NPRM	12/27/96	61 FR 68175
NPRM Comment Period End	04/08/97	
Final Action	12/00/00	

#### Regulatory Flexibility Analysis

**Required:** No

## TREAS—IRS

## Final Rule Stage

**Government Levels Affected:** None

**Additional Information:** REG-209817-96 (FI-10-96)

Drafting attorney: Diana Inhof (202) 622-3443

Reviewing attorney: Jonathan Zelnik (202) 622-3920

Treasury attorney: Michael Novey (202) 622-1339

CC:FI&P

**Agency Contact:** Diana Inhof, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3443  
Fax: 202 622-5694

**RIN:** 1545-AU19

### 3118. WITHDRAWAL OF NOTICE OF FEDERAL TAX LIEN

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** Section 501 of the Taxpayer Bill of Rights 2 amends section 6323 of the Internal Revenue Code to authorize the Secretary to withdraw a notice of Federal tax lien in four enumerated circumstances. Section 501 also provides that upon written request by the taxpayer, the Secretary shall make reasonable efforts to notify any credit reporting agencies and any financial institution or creditor identified by the taxpayer of the withdrawal. The regulations set forth the circumstances in which the Secretary may withdraw a notice of lien and procedures for requesting the Secretary to notify creditors of the withdrawal.

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/99	64 FR 35102
Final Action	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-101519-97

Drafting attorney: Kevin B. Connelly (202) 622-3630

Reviewing attorney: Robert Miller (202) 622-3630

Treasury attorney: Rita Cavanagh (202) 622-1981

CC:P&A:CB&S

**Agency Contact:** Kevin B. Connelly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3630

**RIN:** 1545-AV00

### 3119. RESEARCH CREDIT II

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 41

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This final regulation will provide rules relating to the proper definition of gross receipts to be used in computing the research credit and rules relating to the definition of qualified research under section 41(d). Further, this final regulation will provide rules for electing and revoking the election of the alternative incremental credit under section 41(c)(4).

**Timetable:**

Action	Date	FR Cite
NPRM	12/02/98	63 FR 66503
Notice of Public Hearing	03/25/99	64 FR 14412
Final Action	03/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-105170-97

Drafting attorneys: Lisa Shuman (202) 622-3120

Leslie Finlow (202) 622-3120

Reviewing attorney: Christine Ellison (202) 622-3120

Treasury attorney: Christopher Ohmes (202) 622-0869

CC:P&SI

**Agency Contact:** Lisa Shuman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3120

Leslie H. Finlow, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7860

**RIN:** 1545-AV14

### 3120. ELECTRONIC TIP REPORTING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 31

**Legal Deadline:** None

**Abstract:** The regulations provide rules authorizing employers to establish electronic systems for use by their employees in reporting tips to the employer.

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/98	63 FR 3680
NPRM Comment Period End	04/27/98	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-104691-97

Drafting attorney: Karin Loverud (202) 622-6060

Reviewing attorney: Paul Feinberg (202) 622-6000

Treasury attorney: Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** Karin Loverud, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060

**RIN:** 1545-AV28

### 3121. REMOVAL OF TEMPORARY REGULATIONS

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 5c

**Legal Deadline:** None

**Abstract:** This document removes obsolete temporary regulations as part of the President's Regulatory Reinvention Initiative.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

## TREAS—IRS

## Final Rule Stage

**Government Levels Affected:** None

**Additional Information:** REG-112648-97

Drafting attorney: Beverly A. Baughman (202) 622-4940

Reviewing attorney: Linda Kroening (202) 622-4800

CC:IT&A

**Agency Contact:** Beverly A. Baughman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940

**RIN:** 1545-AV36

### 3122. CLARIFICATION OF 4958 EXCISE TAXES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 4958

**CFR Citation:** 26 CFR 53; 26 CFR 301

**Legal Deadline:** None

**Abstract:** 26 U.S.C. 4958 was enacted in section 1311 of Taxpayer Bill of Rights 2, Public Law 104-168, 110 Stat. 1452, July 30, 1996. This section 4958, taxes on excess benefits transactions, is effective for transactions occurring after September 13, 1995. The regulations will clarify certain definitions and rules contained in section 4958.

**Timetable:**

Action	Date	FR Cite
NPRM	08/04/98	63 FR 41486
NPRM Comment Period End	11/02/98	
Hearing	03/16/99	64 FR 5727
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Additional Information:** REG-246256-96

Drafting attorney: Phyllis D. Haney (202) 622-4290

Reviewing attorney: Paul G. Accettura (202) 622-6070

Reviewing attorney: Paul C. Feinberg (202) 622-6000

Treasury attorney: Susan Brown (202) 622-0999

CC:TEGE

**Agency Contact:** Phyllis D. Haney, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-4290

**RIN:** 1545-AV60

### 3123. EIC ELIGIBILITY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations provide guidance to taxpayers who have been denied the earned income credit (EIC) and wish to claim the credit in a subsequent year.

**Timetable:**

Action	Date	FR Cite
NPRM	06/25/98	63 FR 34615
NPRM Comment Period End	09/23/98	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-116608-97

Drafting attorney: Karin Loverud (202) 622-6060

Reviewing attorney: Paul Feinberg (202) 622-6000

Treasury attorney: Mark Hoffenberg (202) 622-0869

CC:TEGE

**Agency Contact:** Karin Loverud, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6060

**RIN:** 1545-AV61

### 3124. QUALIFIED ZONE ACADEMY BONDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations will provide issuers and holders of qualified zone academy bonds (section 1397E of the Code) with formulas for determining the credit rate and maximum maturity of the bonds. The regulations will also provide guidance for the treatment of original issue discount, premium and mid-year sales of the bonds.

**Timetable:**

Action	Date	FR Cite
NPRM	01/07/98	63 FR 707
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local

**Additional Information:** REG-119499-97

Drafting attorney: Timothy L. Jones (202) 622-3980

Reviewing attorney: Rebecca Harrigal (202) 622-3980

Treasury attorney: Stephen Watson (202) 622-1322

CC:FI&P

**Agency Contact:** Timothy L. Jones, Assistant to the Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980

**RIN:** 1545-AV75

### 3125. CONTINUITY OF INTEREST

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This regulation will provide guidance regarding the effect of redemption and distributions by a target corporation on satisfaction of the continuity of interest requirement in corporate reorganizations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/98	63 FR 4204
NPRM Comment Period End	05/05/98	63 FR 4204
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-120882-97

Drafting attorney: Marie Byrne (202) 622-7750

Reviewing attorney: Christopher Schoen (202) 622-7750

## TREAS—IRS

## Final Rule Stage

Treasury attorney: Karen Gilbreath  
(202) 622-1788

CC:CORP

Split off from RIN 1545-AU72 due to additional issues requiring comment.

**Agency Contact:** Marie Byrne,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-7750

**RIN:** 1545-AV81

### 3126. DISCLOSURE OF RETURN INFORMATION TO THE BUREAU OF THE CENSUS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 6103

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** The purpose of this project is to update the items of return information to be disclosed by Internal Revenue Service personnel to the Bureau of the Census.

**Timetable:**

Action	Date	FR Cite
NPRM	01/25/99	64 FR 3669
Final Action	01/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-121806-97

Drafting attorney: Jamie G. Bernstein  
(202) 622-4570

Reviewing attorney: David Fish (202)  
622-4570

Treasury attorney: Elizabeth Askey  
(202) 622-0224

CC:P&A:D&PL

**Agency Contact:** Jamie G. Bernstein,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW.,  
Washington, DC 20224  
Phone: 202 622-4570  
Fax: 202 622-9888

**RIN:** 1545-AV84

### 3127. RELIEF FOR PRESIDENTIALLY DECLARED DISASTER

**Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is undetermined.

**Legal Authority:** 26 USC 7508; 26 USC 7508A

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulations provide that, for any tax, penalty, additional amount, or addition to tax of a taxpayer determined to be affected by a presidentially declared disaster, the IRS may disregard up to 90 days in determining whether certain tax-related deadlines were satisfied and the amount of any credit or refund.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/99	64 FR 73444
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-101492-98

Drafting attorney: Bridget E. Finkenaur  
(202) 622-4940

Reviewing attorney: Michael L.  
Gompertz (202) 622-4940

Treasury attorney: Elizabeth Askey  
(202) 622-0224

CC:IT&A

**Agency Contact:** Bridget Finkenaur,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4940

**RIN:** 1545-AV92

### 3128. AVERAGING OF FARM INCOME

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 1301(c)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** An individual may elect to "income average" any amount of farm income by adding 1/3 of such elected farm income to each of the three prior years' taxable income and calculating the increase in tax for the prior years.

The taxable income of the current year is reduced by the elected farm income and the increase in tax liability for the prior three years is added to the current years tax liability.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/99	64 FR 54836
Public Hearing	02/15/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-121063-97

Drafting attorney: John Moran (202)  
622-4940

Reviewing attorney: Judith Wall (202)  
622-4940

Treasury attorney: Lily Kahng (202)  
622-0160

CC:IT&A

**Agency Contact:** John Moran,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4940  
Fax: 202 622-6232

**RIN:** 1545-AW05

### 3129. MARK-TO-MARKET ACCOUNTING FOR DEALERS IN COMMODITIES AND TRADERS IN SECURITIES AND COMMODITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 475(g); 26 USC 7805(a)

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Guidance concerning mark-to-market accounting for securities traders and commodities dealers and traders.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/99	64 FR 4374
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-104924-98

Drafting attorney: Jo Lynn Ricks (202)  
622-3920

Reviewing attorney: Al Kraft (202) 622-3920

## TREAS—IRS

## Final Rule Stage

CC:FI&amp;P

**Agency Contact:** Jo Lynn Ricks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3920

RIN: 1545-AW06

**3130. STOCKS AND SECURITIES SAFE HARBOR EXCEPTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulatory action will amend 26 CFR 1 to clarify and update the safe harbor that one is not engaged in a trade or business as a result of trading in stocks and securities. The amendment will provide additional guidance regarding the definitions of stocks and securities.

**Timetable:**

Action	Date	FR Cite
NPRM	06/12/98	63 FR 32164
Hearing	09/09/98	63 FR 32164
NPRM Comment Period End	09/10/98	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-106031-98

Drafting attorney: Milton M. Cahn (202) 622-3870

Reviewing attorney: Paul Epstein (202) 622-3870

Treasury attorney: Je Young Baik (202) 622-1773

CC:INTL

**Agency Contact:** Milton M. Cahn, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3870

RIN: 1545-AW13

**3131. QUALIFIED LESSEE CONSTRUCTION ALLOWANCES FOR SHORT-TERM LEASES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 110**CFR Citation:** 26 CFR 1; 26 CFR 602**Legal Deadline:** None

**Abstract:** Regulation describing the information required to be furnished to the Secretary by lessees and lessors involved with construction allowances for short-term leases.

**Timetable:**

Action	Date	FR Cite
NPRM	09/20/99	64 FR 50783
Comment Period Ends	12/20/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-106010-98

Drafting attorney: Paul F. Handleman (202) 622-3040

Reviewing attorney: Walter Woo (202) 622-3040

Treasury attorney: Christine Turgeon (202) 622-0865

CC:P&amp;SI

**Agency Contact:** Paul F. Handleman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3040  
Fax: 202 622-4753

RIN: 1545-AW16

**3132. DEFINITION OF CONTRIBUTION IN AID OF CONSTRUCTION UNDER SECTION 118(C)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 118**CFR Citation:** 26 CFR 1; 26 CFR 602**Legal Deadline:** None

**Abstract:** Regulations to provide guidance on the definition of contributions in aid of construction within the meaning of section 118(c)(3)(A).

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/99	64 FR 71082
Comment Period Ends	03/22/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-106012-98

Drafting attorney: Paul F. Handleman (202) 622-3040

Reviewing attorney: Susan Reaman (202) 622-3040

Treasury attorney: Christine Turgeon (202) 622-0865

CC:P&amp;SI

**Agency Contact:** Paul F. Handleman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3040  
Fax: 202 622-4753

RIN: 1545-AW17

**3133. CAPITAL GAINS AND PARTNERSHIP PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 1(h)(11); 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Guidance regarding the application of the partnership provisions to capital gains.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/99	64 FR 43117
NPRM Comment period	09/08/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-106527-98

Drafting attorney: Jeanne Sullivan (202) 622-3050

Reviewing attorney: Dianna Miosi (202) 622-3050

Treasury attorney: James B. Sowell (202) 622-5721

CC:P&amp;SI

**Agency Contact:** Jeanne Sullivan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

RIN: 1545-AW22

**3134. GRAT AND NOTES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 2702

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**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation will provide guidance under section 2702(b), regarding the use of notes to satisfy the annuity or unitrust payment obligation of a grantor retained annuity trust.**Timetable:**

Action	Date	FR Cite
NPRM	06/22/99	64 FR 33235
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-108287-98

Drafting attorney: James F. Hogan (202) 622-3090

Reviewing attorney: George L. Masnik (202) 622-3090

Treasury attorney: Beth Kaufman (202) 622-1766

CC:P&amp;SI

**Agency Contact:** James F. Hogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3090**RIN:** 1545-AW25**3135. SECTION 411(D)(6); PROTECTED BENEFITS EXCEPTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 411**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The proposed regulations will permit certain amendments to qualified retirement plans to be made even though otherwise protected forms of benefit would be affected by the amendments.**Timetable:**

Action	Date	FR Cite
NPRM	03/29/00	65 FR 16546
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-109101-98

Drafting attorney: Linda S.F. Marshall (202) 622-6090

Reviewing attorney: Marjorie Hoffman (202) 622-6030

Treasury attorney: William Bortz (202) 622-1352

CC:TEGE

**Agency Contact:** Linda S.F. Marshall, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090**RIN:** 1545-AW27**3136. INTERCOMPANY OBLIGATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 1502; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation provides clarification of the tax treatment of certain transfers of intercompany obligations by or to a member of a consolidated group.**Timetable:**

Action	Date	FR Cite
NPRM	12/18/98	63 FR 70354
NPRM Comment Period End	03/22/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-105964-98

Drafting attorney: Theresa Abell (202) 622-7790

Reviewing attorney: Ken Cohen (202) 622-7790

Treasury attorney: Karen Gilbreath (202) 622-1788

CC:CORP

**Agency Contact:** Theresa Abell, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7790**RIN:** 1545-AW30**3137. DISREGARDED ENTITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation provides guidance under section 368, regarding

corporate transactions involving disregarded entities.

**Timetable:**

Action	Date	FR Cite
NPRM	05/16/00	65 FR 31115
Comment Period End	08/14/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-106186-98

Drafting attorney: Reggie Mombrun (202) 622-7750

Reviewing attorney: Mark Jennings (202) 622-7750

Treasury attorney: Karen Gilbreath (202) 622-1788

CC:CORP

**Agency Contact:** Reggie Mombrun, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7750**RIN:** 1545-AW36**3138. SPECIAL RULES REGARDING THE SIMPLIFIED PRODUCTION AND RESALE METHODS WITH HISTORIC ABSORPTION RATIO ELECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 263A; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Amends the regulations under section 263A, relating to the simplified production and resale methods with historic absorption ratio election.**Timetable:**

Action	Date	FR Cite
NPRM	05/24/99	64 FR 27936
Final Action	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-113910-98

Drafting attorney: Cheryl Lynn Oseekey (202) 622-4970

Reviewing attorney: Thomas Luxner (202) 622-4970

Treasury attorney: Christine Turgeon (202) 622-0865

## TREAS—IRS

## Final Rule Stage

CC:IT&amp;A

**Agency Contact:** Cheryl Lynn Oseekey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4970

RIN: 1545-AW54

**3139. EDUCATION CREDITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 25A**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These regulations provide individual taxpayers with guidance on the Hope Scholarship Credit and the Lifetime Learning Credit.

**Timetable:**

Action	Date	FR Cite
NPRM	01/06/99	64 FR 794
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-106388-98

Drafting attorney: Donna J. Welch (202) 622-4910

Treasury attorney: Susan Brown (202) 622-0999

CC:P&amp;A:APJP

**Agency Contact:** Donna J. Welch, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910  
Fax: 202 622-6232

RIN: 1545-AW65

**3140. INFORMATION REPORTING FOR PAYMENTS OF TUITION AND INTEREST ON EDUCATION LOANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6050S**CFR Citation:** 26 CFR 1; 26 CFR 301**Legal Deadline:** None

**Abstract:** The regulations relate to the requirements for filing information returns for payments of qualified tuition and related expenses. The regulations relate to the requirements for filing information returns for

interest received on qualified education loans. The regulations prescribe magnetic media filing requirements for these information returns.

**Timetable:**

Action	Date	FR Cite
NPRM	06/16/00	65 FR 37728
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-105316-98

Drafting attorney: Donna J. Welch (202) 622-4910

Reviewing attorney: John McGreevy (202) 622-4910

Treasury attorney: Susan Brown (202) 622-0999

CC:P&amp;A:APJP

**Agency Contact:** Donna J. Welch, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910  
Fax: 202 622-6232

RIN: 1545-AW67

**3141. GUIDANCE UNDER SECTION 355(D)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 0355**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulation will provide guidance on transactions under section 355(d).

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/99	64 FR 23554
NPRM Comment Period Ends	08/02/99	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-106004-98

Drafting attorney: Michael Kaibri (202) 622-7550

Reviewing attorney: Charles Whedbee (202) 622-7550

Treasury attorney: Karen Gilbreath (202) 622-1788

CC:CORP

**Agency Contact:** Michael Kaibri, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7550

RIN: 1545-AW71

**3142. REPORTING OF PAYMENTS TO ATTORNEY****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6045**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Information reporting requirements for payments of gross proceeds made in the course of a trade or business to attorneys in connection with legal services.

**Timetable:**

Action	Date	FR Cite
NPRM	05/21/99	64 FR 27730
Final Action	10/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-105312-98

Drafting attorney: Katharine A. Kiss (202) 622-4920

Reviewing attorney: Michael Montemurro (202) 622-4920

Treasury attorney: Michael Novey (202) 622-1339

CC:IT&amp;A

**Agency Contact:** Katharine A. Kiss, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4920

RIN: 1545-AW72

**3143. TIMELY MAILING TREATED AS TIMELY FILING/ELECTRONIC POSTMARK****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7502**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** This document provides timely mailing treated as timely filing rules for electronic postmarks.

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**Timetable:**

Action	Date	FR Cite
NPRM	01/15/99	64 FR 2606
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-115433-98

Drafting attorney: Charles A. Hall (202) 622-4940

Reviewing attorney: Rochelle L. Hodes (202) 622-4940

Treasury attorney: Rita Cavanaugh (202) 622-1981

CC:P&amp;A:APJP

**Agency Contact:** Charles A. Hall, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940

**RIN:** 1545-AW81**3144. MODIFICATIONS AND ADDITIONS TO THE UNIFIED PARTNERSHIP AUDIT PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6230; 26 USC 7805**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** Regulations modifying the Unified Partnership Audit Procedures. These changes are based on statutory changes enacted in 1997 and 1998. As part of this project, all of the Unified Partnership Audit Procedure regulations will be brought final.

**Timetable:**

Action	Date	FR Cite
NPRM	01/25/99	64 FR 3886
Cancellation of Public Hearing	04/06/99	64 FR 16640
Correction To NPRM Final Action	04/19/99 12/00/00	64 FR 19217

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-106564-98

Drafting attorney: Horace Howells (202) 622-3050

Reviewing attorney: Dianna Miosi (202) 622-3050

Treasury attorney: Jim Sowell (202) 622-5721

CC:P&amp;SI

**Agency Contact:** Horace Howells, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

**RIN:** 1545-AW86**3145. COMPROMISES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7122**CFR Citation:** 26 CFR 301**Legal Deadline:** None

**Abstract:** The purpose of this regulation is to provide expanded compromise authority, pursuant to section 7122 of title 26, as amended by the Restructuring and Reform Act of 1998. Prior to the amendment, doubt as to collectibility, doubt as to liability, or both, were the only grounds for consideration of compromise cases. The goal of this regulation is to permit consideration of other factors in compromising tax liability.

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/99	64 FR 39106
Final Action	07/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-116991-98

Drafting attorney: Frederick W. Schindler (202) 622-3620

Reviewing attorney: Kathryn A. Zuba (202) 622-3620

Treasury attorney: Rita Cavanaugh (202) 622-1981

CC:P&amp;A:CB&amp;S

**Agency Contact:** Frederick W. Schindler, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3620

**RIN:** 1545-AW88**3146. CERTAIN ASSET TRANSFERS TO REGULATED INVESTMENT COMPANIES (RICS) AND REAL ESTATE INVESTMENT TRUSTS (REITS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 337(d)**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Regulations that implement provisions of the Tax Reform Act of 1986, in accordance with Notice 88-19, 1988-1 C.B. 486.

**Timetable:**

Action	Date	FR Cite
NPRM	02/03/00	65 FR 5805
Comment Period Ends	04/19/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-209135-88

Drafting attorney: Lisa A. Fuller (202) 622-7750

Reviewing attorney: Christopher Schoen (202) 622-7750

Treasury attorney: Elizabeth Askey (202) 622-0224

CC:CORP

**Agency Contact:** Lisa A. Fuller, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7750

**RIN:** 1545-AW92**3147. CONTINUATION COVERAGE REQUIREMENTS APPLICABLE TO GROUP HEALTH PLANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 4980B**CFR Citation:** 26 CFR 54**Legal Deadline:** None

**Abstract:** These regulations provide guidance to employers, employee organizations, plan administrators, multiemployer plans, as well as to participants and beneficiaries about the COBRA health care continuation coverage requirements.

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**Timetable:**

Action	Date	FR Cite
NPRM	02/03/99	64 FR 5237
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-121865-98

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawshunsky (202) 622-6000

Treasury attorney: Tom Reeder (202) 622-1341

CC:TEGE

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

**RIN:** 1545-AW94**3148. QUALIFIED OFFERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Temporary regulations regarding the qualified offer rule allowing the recovery of reasonable administrative or litigation costs.

**Timetable:**

Action	Date	FR Cite
Temporary Regulations	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-121928-98

Drafting attorney: Thomas D. Moffitt (202) 622-7900

Reviewing attorney: Henry Schneiderman (202) 622-7820

Treasury attorney: Rita Cavanaugh (202) 622-1981

CC:IT&amp;A

**Agency Contact:** Thomas D. Moffitt, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-7900

**RIN:** 1545-AX00**3149. QUALIFIED ZONE ACADEMY BONDS CREDIT RATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulatory action provides rules to determine the credit rate that will permit the issuance of qualified zone academy bonds without discount and without interest cost to the issuer. The regulations also provide that the proceeds of qualified zone academy bonds may be used to reimburse certain qualified expenditures.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/99	64 FR 35573
Hearing	11/09/99	64 FR 35579
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-105327-99

Drafting attorney: Allan Seller (202) 622-3421

Reviewing attorney: Timothy L. Jones (202) 622-3980

CC:FI&amp;P

**Agency Contact:** Timothy L. Jones, Assistant to the Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980

**RIN:** 1545-AX03**3150. ALLOCATION OF RESEARCH CREDIT****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 41**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation will provide guidance on the proper method of computing the research credit for a controlled group. In addition, this regulation will provide guidance on the allocation of the research credit among members of the controlled group.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/00	65 FR 258
Public Hearing	04/26/00	
Final Action	03/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-105606-99

Drafting attorney: Lisa Shuman (202) 622-3120

Reviewing attorney: James Gibbons (202) 622-3120

Treasury attorney: Christopher Ohmes (202) 622-1335

CC:P&amp;SI

**Agency Contact:** Lisa Shuman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3120

**RIN:** 1545-AX05**3151. DELAY RENTAL PAYMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 263A**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulations would clarify that section 1.612-3(c) applies to delay rental payments to the extent that section 263A does not require the payments to be capitalized.

**Timetable:**

Action	Date	FR Cite
NPRM	02/08/00	65 FR 6090
Public Hearing	05/26/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-103882-99

Drafting attorney: Brenda M. Stewart (202) 622-3120

Reviewing attorney: J.H. Makurath (202) 622-3120

Treasury attorney: John Parcell (202) 622-2578

CC:P&amp;SI

**Agency Contact:** Brenda M. Stewart, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

## TREAS—IRS

## Final Rule Stage

1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3120

RIN: 1545–AX06

**3152. GST ISSUES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** This project will resolve issues relating to trusts in existence before September 25, 1985.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/99	64 FR 62997
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-103841-99

Drafting attorney: James F. Hogan (202) 622-3090

Reviewing attorney: George Masnik (202) 622-3090

Treasury attorney: Elizabeth Kaufman (202) 622-1766

CC:P&SI

**Agency Contact:** James F. Hogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3090

RIN: 1545–AX08

**3153. ALLOCATION OF PARTNERSHIP DEBT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance on the allocation of partnership liabilities.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2084
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-103831-99

Drafting attorney: Christopher Kelley (202) 622-3070

Reviewing attorney: William P. O'Shea (202) 622-3070

Treasury attorney: James Sowell (202) 622-5723

CC:P&SI

**Agency Contact:** Christopher Kelley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3070  
Fax: 202 622-4804

RIN: 1545–AX09

**3154. DEFINITION OF LAST KNOWN ADDRESS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** This document will provide that the last known address of a taxpayer for purposes of section 6212 includes an address obtained from the United States Postal Service's National Change of Address (NCOA) database.

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/99	64 FR 63768
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-104939-99

Drafting attorney: Charles A. Hall (202) 622-4940

Reviewing attorney: Rochelle L. Hodes (202) 622-4940

Treasury attorney: Elizabeth Askey (202) 622-0224

CC:P&A:APJP

**Agency Contact:** Charles A. Hall, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940

RIN: 1545–AX13

**3155. DOLLAR-VALUE LIFO REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 472

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The regulation will provide guidance on the dollar-value LIFO method, including the inventory price index computation (IPIC) method.

**Timetable:**

Action	Date	FR Cite
NPRM	05/19/00	65 FR 31841
Final Action	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** REG-107644-98

Drafting attorney: Jeffery Mitchell (202) 622-6224

Reviewing attorney: Eric Pleet (202) 622-4970

Treasury attorney: Christine Turgeon (202) 622-0865

CC:IT&A

**Agency Contact:** Jeffery Mitchell, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6224

RIN: 1545–AX20

**3156. 351(G) GUIDANCE PROJECT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 351

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The project will provide guidance regarding certain exchanges of or for preferred stock.

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/00	65 FR 4203
Comment Period Ends	05/10/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** REG-105089-99

## TREAS—IRS

## Final Rule Stage

Drafting attorney: Richard E. Coss (202) 622-7790

Reviewing attorney: Michael J. Wilder (202) 622-7790

Treasury attorney: Karen Gilbreath (202) 622-1788

CC:CORP

**Agency Contact:** Richard E. Coss, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-7790

**RIN:** 1545–AX38

### 3157. CHANGES IN ENTITY CLASSIFICATION: SPECIAL RULE FOR CERTAIN FOREIGN ELIGIBLE ENTITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 7701

**CFR Citation:** 26 CFR 301

**Legal Deadline:** None

**Abstract:** Rules relating to certain conversions of foreign eligible entities under the entity classification rules.

#### Timetable:

Action	Date	FR Cite
NPRM	11/29/99	64 FR 66591
Public Hearing	01/31/00	
NPRM Comment Period End	02/28/00	
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-110385-99

Drafting attorney: Mark D. Harris (202) 622-3050

Reviewing attorney: Philip Tretiak (202) 622-3860

CC:INTL

**Agency Contact:** Mark D. Harris, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

**RIN:** 1545–AX39

### 3158. PARTNERSHIP MERGERS AND DIVISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 708; 26 USC 707; 26 USC 743; 26 USC 752

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Provide tax consequences regarding mergers and divisions of partnerships.

#### Timetable:

Action	Date	FR Cite
NPRM	01/11/00	65 FR 1572
Public Hearing	05/04/00	65 FR 1572
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** REG-111119-99

Drafting attorney: Mary Beth Collins (Carchia) (202) 622-3080

Reviewing attorney: William P. O'Shea (202) 622-3070

Treasury attorney: James Sowell (202) 622-5721

CC:PI&S

**Agency Contact:** Mary Beth Collins (Carchia), Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3080

**RIN:** 1545–AX42

### 3159. PERMITTED ELECTION CHANGES UNDER SECTION 125

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Proposed regulations clarify the circumstances under which an employer may permit a cafeteria plan participant to revoke an existing election with respect to dependent care or adoption assistance coverage, and make a new election during a period of coverage.

#### Timetable:

Action	Date	FR Cite
NPRM	03/23/00	65 FR 15587
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** REG-243025-96

Drafting attorney: Christine Keller (202) 622-6090

Reviewing attorney: Harry Beker (202) 622-6080

Treasury attorney: William Bortz (202) 622-1352

CC:TEGE

**Agency Contact:** Christine Keller, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6090

**RIN:** 1545–AX59

### 3160. REOPENINGS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** The cross-reference NPRM revises the rules for reopenings of Treasury securities. Under the rules, Treasury can reopen an issue of outstanding Treasury securities if certain conditions are satisfied. As a result, any discount that arises upon the reopening will be market discount rather than original issue discount. In addition, the NPRM provides rules for reopenings of non-Treasury securities.

#### Timetable:

Action	Date	FR Cite
NPRM	11/05/99	64 FR 60395
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** REG-115932-99

Drafting attorney: William E. Blanchard (202) 622-3950

Treasury attorney: Michael Novey (202) 622-1339

CC:FI&P

**Agency Contact:** William E. Blanchard, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3950

**RIN:** 1545–AX60

## TREAS—IRS

## Final Rule Stage

**3161. PREVENTION OF ABUSE OF CHARITABLE REMAINDER TRUSTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 643**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Regulations that modify the application of rules governing the character of certain distributions from charitable remainder trusts.**Timetable:**

Action	Date	FR Cite
NPRM	10/21/99	64 FR 56718
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-116125-99

Drafting attorney: Catherine Moore (202) 622-3080

Reviewing attorney: William P. O'Shea (202) 622-3070

Treasury attorney: Susan D. Brown (202) 622-0999

CC:P&amp;SI

**Agency Contact:** Catherine Moore, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3080**RIN:** 1545-AX62**3162. STOCK TRANSFER RULES: SUPPLEMENTAL RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 367**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This rule supplements the rules that describe the extent to which a foreign corporation shall be considered to be a corporation under section 367 in connection with an exchange described in sections 332, 351, 354, 355, 356 or 361.**Timetable:**

Action	Date	FR Cite
NPRM	01/24/00	65 FR 3629
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-116046-99

Drafting attorney: Mark D. Harris (202) 622-3050

Reviewing attorney: Irwin Halpern (202) 622-3850

Treasury attorney: Je Young Baik (202) 622-1773

CC:INTL

**Agency Contact:** Mark D. Harris, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050**RIN:** 1545-AX63**3163. LOANS UNDER SECTION 72(P)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 72**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation will provide guidance on the application of rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The loans rules are provided in section 72(p) of the Internal Revenue Code.**Timetable:**

Action	Date	FR Cite
NPRM	07/31/00	65 FR 46677
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-116495-99

Drafting attorney: Vernon Carter (202) 622-6070

Reviewing attorney: Alan Tawshunsky (202) 622-6000

Treasury attorney: William Bortz (202) 622-1352

CC:TEGE

**Agency Contact:** Vernon Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6070**RIN:** 1545-AX68**3164. ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 864**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These regulations provide rules for the allocation and apportionment of interest expenses and certain other expenses for purposes of the foreign tax credit and certain other international tax provisions.**Timetable:**

Action	Date	FR Cite
NPRM	02/05/90	55 FR 3750
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-117608-99

Drafting attorney: David F. Bergkuist (202) 622-3860

Reviewing attorney: Michael Cornett (202) 622-3800

Treasury attorney: Michael Corwin (202) 622-1317

CC:INTL

**Agency Contact:** David F. Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3860**RIN:** 1545-AX72**3165. APPLYING SECTION 197 TO PARTNERSHIP TRANSACTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 197(g)**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulations will apply the section 197 amortization rules to partnership transactions under sections 732 and 734, in addition to any other partnership issues which may arise before the publication of the regulations as final.**Timetable:**

Action	Date	FR Cite
NPRM	01/25/00	65 FR 3903

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## Final Rule Stage

Action	Date	FR Cite
Cancellation of Public Hearing	05/16/00	65 FR 31118
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-100163-00

Drafting attorney: Robert Honigman (202) 622-3050

Reviewing attorney: David Haglund (202) 622-3050

Treasury attorney: James Sowell (202) 622-5721

CC:P&amp;SI

**Agency Contact:** David Sotos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3050

RIN: 1545–AX73

**3166. LIFETIME CHARITABLE LEAD TRUSTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1; 26 CFR 20; 26 CFR 25**Legal Deadline:** None**Abstract:** Revision of regulation regarding lifetime charitable lead trusts.**Timetable:**

Action	Date	FR Cite
NPRM	04/05/00	65 FR 17835
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-100291-00

Drafting attorney: Scott S. Landes (202) 622-3090

Reviewing attorney: George L. Masnik (202) 622-3090

Treasury attorney: Beth Kaufman (202) 622-1766

CC:P&amp;SI

**Agency Contact:** Scott S. Landes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3090

RIN: 1545–AX74

**3167. HIPAA PORTABILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 9833**CFR Citation:** 26 CFR 54**Legal Deadline:** None

**Abstract:** These regulations provide guidance to group health plans regarding the limitations on imposing pre-existing condition exclusions and the special enrollment rules. These regulations also provide guidance regarding plans and benefits that are not subject to these rules.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/97	62 FR 16977
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** REG-119828-99

Drafting attorney: Russell Weinheimer (202) 622-6080

Reviewing attorney: Alan Tawshunsky (202) 622-6000

Treasury attorney: Kevin Knopf (202) 622-2329

CC:TEGE

**Agency Contact:** Russell Weinheimer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6080

RIN: 1545–AX84

**3168. SPECIAL RULES FOR OUTPUT FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1

**Legal Deadline:** Final, Statutory, December 30, 2000, Three-year duration for temporary regulations.

**Abstract:** Special rules for output facilities to determine whether arrangements for purchases of output from an output facility cause an issue of bonds to meet the private business tests under section 147(b).

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State**Federalism:** Undetermined**Additional Information:** REG-114998-99

Drafting attorney: Rose M. Weber (202) 622-4910

Reviewing attorney: Bruce M. Serchuk (202) 622-3980

Treasury attorney: Stephen Watson (202) 622-1322

CC:FI&amp;P

An NPRM (REG-110965-97, 1545-AV47) and temporary regulations (TD 8757) were published on January 22, 1998 (63 FR 3296, 63 FR 3256, respectively). This document (REG-114998-99) will finalize the proposed regulations for REG-110965-97.

**Agency Contact:** Rose Weber, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4910  
Fax: 202 622-4437

RIN: 1545–AX87

**3169. • QUALIFIED ZONE ACADEMY BONDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 1397F**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** A qualified zone academy bond (QZAB) is a taxable bond issued by a state or local government, the proceeds of which are used to improve certain eligible public schools. In lieu of receiving periodic interest payments from the issuer, an eligible holder of a QZAB is generally allowed annual Federal income tax credits while the bond is outstanding. These credits compensate the holder for lending money to the issuer and function as payments of interest on the bond.

This regulation finalizes proposed and temporary regulations (Regulation

## TREAS—IRS

## Final Rule Stage

119449-97 and TD 8755) published on January 7, 1988, at 63 FR 707 and 63 FR 671, respectively. This regulation also finalizes proposed and temporary regulations (Regulation 105327-99 and TD 8826) that amend section 1.1397E-17. These regulations were published on July 1, 1999, at 64 33579 and 64 FR 33573, respectively.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Additional Information:** REG-105389-00

Drafting attorney: Allan B. Seller (202) 622-3980

Reviewing attorney: Tim Jones (202) 622-3421

CC:FI&amp;P

**Agency Contact:** Allan B. Seller, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224  
Phone: 202 622-3980  
Fax: 202 622-4437

**RIN:** 1545–AY01**3170. • GUIDANCE UNDER 6302 REGARDING THE FEDERAL TAX DEPOSIT SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6302; 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** These temporary regulations remove Federal Reserve banks as depositories for Federal tax deposits made after December 31, 2000.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** REG-107176-00

Drafting attorney: Brinton T. Warren (202) 622-4940

Reviewing attorney: Judith M. Wall (202) 622-7338

CC:P&amp;A:APJP

**Agency Contact:** Brinton T. Warren, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-4940

**RIN:** 1545–AY11**3171. • INVESTMENT TYPE PROPERTY (PREPAYMENT)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** Definition of investment type property for purposes of determining whether bonds are arbitrage bonds under section 148 of the Internal Revenue Code.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/99	64 FR 46320
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local, State**Additional Information:** REG-105369-00

Drafting attorney: Johanna L. Som de Cerff (202) 622-3980

Reviewing attorney: Rebecca L. Harrigal (202) 622-3980

Treasury attorney: Stephen Watson (202) 622-1322

CC:TEGE

**Agency Contact:** Johanna L. Som de Cerff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980  
Fax: 202 622-4437

**RIN:** 1545–AY12**3172. • GUIDANCE UNDER SECTION 894 (TEMPORARY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC 894; 26 USC 871; 26 USC 881**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** The regulation provides guidance under section 894(c) for

imposing tax liability on foreign persons receiving United States source income from entities treated as domestic corporations for United States tax purposes, and as fiscally transparent entities under the laws of the jurisdiction, whose treaty with the United States is being invoked.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** REG-107101-00

Drafting attorney: Shawn Renee Pringle (202) 622-3850

Reviewing attorney: Elizabeth U. Karzon (202) 622-3880

Treasury attorney: Patrick Brown (202) 622-1754

CC:INTL

**Agency Contact:** Shawn Renee Pringle, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

**RIN:** 1545–AY13**3173. • BROKER'S COMMISSIONS AND SIMILAR FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None

**Abstract:** This regulation provides guidance on when broker's fees can be treated as qualified administrative costs for purposes of the arbitrage restrictions under section 148.

**Timetable:**

Action	Date	FR Cite
NPRM	08/17/99	64 FR 46876
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Additional Information:** REG-105376-00

Drafting attorney: Timothy L. Jones (202) 622-3980

CC:TEGE

## TREAS—IRS

## Final Rule Stage

**Agency Contact:** Timothy L. Jones, Assistant to the Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3980

**RIN:** 1545–AY15

### 3174. ● RECOGNITION OF GAIN ON CERTAIN TRANSFERS TO FOREIGN TRUSTS AND ESTATES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 7805; 26 USC 684

**CFR Citation:** 26 CFR 1

**Legal Deadline:** None

**Abstract:** Internal Revenue Code section 684 generally provides that,

except as otherwise provided in regulations, gain shall be recognized on the transfer of property by a United States person to a foreign estate or trust, unless, in the case of a trust, a United States person is treated as the owner of such trust under Code section 671. These regulations are intended to implement the statutory authority to provide exceptions to the section 684 general rule of gain recognition.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/00	65 FR 48198
Public Hearing	11/08/00	65 FR 48198
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** REG-108522-00

Drafting attorney: Karen Rennie Quarrie (202) 622-3880

Reviewing Attorney: Elizabeth U. Karzon (202) 622-3880

Treasury attorney: Michael Kirsch (202) 622-0871

CC:INTL

**Agency Contact:** Karen Rennie Quarrie, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3880

**RIN:** 1545–AY25

## Department of the Treasury (TREAS) Internal Revenue Service (IRS)

## Long-Term Actions

### 3175. INCOME TAX—TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1; 26 CFR 301; 26 CFR 602

**Timetable:**

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23659
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Irwin Halpern  
Phone: 202 622-3850

**RIN:** 1545–AC09

### 3176. INCOME TAX—DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO AND POSSESSION TAX CREDIT

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2726
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** W. Edward Williams  
Phone: 202 874-1490

**RIN:** 1545–AC10

### 3177. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	07/03/85	50 FR 27456
NPRM Comment	09/03/85	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Janet A. Laufer  
Phone: 202 622-6060  
Fax: 202 622-4084

**RIN:** 1545–AG14

### 3178. GOLDEN PARACHUTE PAYMENTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19390
NPRM Comment	07/05/89	
Period End		
Hearing	11/21/89	54 FR 39548
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Misner  
Phone: 202 622-6060

**RIN:** 1545–AH49

### 3179. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION, AND OTHER SPECIAL RULES FOR FSC

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6467
NPRM Comment	05/02/87	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Douglas Giblen  
Phone: 202 622-4570

**RIN:** 1545–AI16

## TREAS—IRS

## Long-Term Actions

**3180. INCOME TAX—RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	02/08/00	65 FR 6065
Public Hearing	06/08/00	65 FR 6065
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia Bray  
Phone: 202 622-3840**RIN:** 1545-AJ57**3181. INFORMATION FROM PASSPORT AND IMMIGRATION APPLICANTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301**Timetable:**

Action	Date	FR Cite
NPRM	12/24/92	57 FR 61373
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Michael E. Hara  
Phone: 202 622-3840**RIN:** 1545-AJ93**3182. NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16233
Hearing	03/01/89	54 FR 1189
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Robert W. Lorence  
Phone: 202 622-3860**RIN:** 1545-AK79**3183. INCOME OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24100
NPRM Comment	08/26/88	
Period End		

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David Juster  
Phone: 202 622-3850**RIN:** 1545-AL93**3184. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Richard L. Chewning  
Phone: 202 622-3850**RIN:** 1545-AM11**3185. EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	01/25/90	55 FR 2535
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Anne Devereaux  
Phone: 202 622-3850**RIN:** 1545-AM90**3186. CBI INVESTMENTS OF SECTION 936 FUNDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	05/13/91	56 FR 21963
Hearing	07/12/91	56 FR 21963
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** W. Edward Williams  
Phone: 202 874-1490**RIN:** 1545-AM91**3187. RAILROAD UNEMPLOYMENT REPAYMENT TAX****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 31**Timetable:**

Action	Date	FR Cite
NPRM	05/13/93	58 FR 28374
NPRM Comment	07/12/93	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Jean Marie Casey  
Phone: 202 622-6030**RIN:** 1545-AN40**3188. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—SELF-CHARGED ITEMS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	04/05/91	56 FR 14034
Hearing	09/06/91	56 FR 14040
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Christopher Kelley  
Phone: 202 622-3070  
Fax: 202 622-4804**RIN:** 1545-AN64

## TREAS—IRS

## Long-Term Actions

**3189. CONSOLIDATED ALTERNATIVE MINIMUM TAX****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/30/92	57 FR 62251
NPRM Comment Period End	03/01/93	
Hearing	04/06/93	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Martin Scully

Phone: 202 622-4960

**RIN:** 1545-AN73**3190. CONFORMING TAXABLE YEARS OF CFCS AND FPHCS: 1989 CHANGE****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	01/05/93	58 FR 290
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Carl M. Cooper

Phone: 202 622-3840

**RIN:** 1545-AO22**3191. CHARITABLE CONTRIBUTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	03/12/91	56 FR 10395
Hearing	08/01/91	56 FR 23823
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Carl M. Cooper

Phone: 202 622-3840

**RIN:** 1545-AP30**3192. SECTION 1.163-1(B)(2)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	01/21/93	58 FR 5316
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Carl M. Cooper

Phone: 202 622-3840

**RIN:** 1545-AP33**3193. GUIDANCE IN NOTICE 89-37, WHICH TREATS THE RECEIPT OF A CORPORATE PARTNER'S STOCK BY THE CORPORATE PARTNER AS A CIRCUMVENTION OF GENERAL UTILITIES REPEAL****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/15/92	57 FR 59324
NPRM Comment Period End	01/20/93	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Keith E. Stanley

Phone: 202 622-7530

**RIN:** 1545-AP52**3194. USE OF GAAP EARNINGS AS E&P OF FOREIGN CORPORATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	07/01/92	57 FR 29246
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Anne Devereaux

Phone: 202 622-3850

**RIN:** 1545-AQ55**3195. INTEREST-FREE ADJUSTMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 31**Timetable:**

Action	Date	FR Cite
NPRM	12/10/92	57 FR 58423

**Action Date FR Cite**

NPRM Comment	02/08/93	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Karin Loverud

Phone: 202 622-6060

**RIN:** 1545-AQ61**3196. THE TREATMENT OF ACCELERATED DEATH BENEFITS UNDER SECTIONS 101, 7702 AND 7702A OF THE INTERNAL REVENUE CODE****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/15/92	57 FR 59319
NPRM Comment Period End	02/26/93	
Hearing	03/19/93	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Ann H. Logan

Phone: 202 622-3970

**RIN:** 1545-AQ70**3197. APPLICATIONS OF SECTION 1503(D) TO PARTNERSHIPS AND OTHER ITEMS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Kenneth D. Allison

Phone: 202 622-3860

**RIN:** 1545-AR26**3198. INTERCOMPANY TRANSFER PRICING FOR SERVICES****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1

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## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** J. Peter Luedtke  
Phone: 202 874-1490**RIN:** 1545-AR32**3199. ESCROW FUNDS AND OTHER SIMILAR FUNDS****Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is undetermined.**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	02/01/99	64 FR 4801
NPRM Comment Period End	05/03/99	
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Marilyn E. Brookens  
Phone: 202 622-4920  
Fax: 202 622-1585**RIN:** 1545-AR82**3200. MARK-TO-MARKET UPON DISPOSITION****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	01/04/95	60 FR 397
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert B. Williams  
Phone: 202 622-3960**RIN:** 1545-AS85**3201. STRADDLES—MISCELLANEOUS ISSUES****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	05/02/95	60 FR 21482
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert B. Williams  
Phone: 202 622-3960**RIN:** 1545-AT46**3202. EFFECT OF THE FAMILY AND MEDICAL LEAVE ACT ON THE OPERATION OF CAFETERIA PLANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/21/95	60 FR 66229
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Christine Keller  
Phone: 202 622-6090**RIN:** 1545-AT47**3203. ALLOCATION OF ACCRUED BENEFITS BETWEEN EMPLOYER AND EMPLOYEE CONTRIBUTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/22/95	60 FR 66532
NPRM Comment Period End	03/21/96	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Janet A. Laufer  
Phone: 202 622-6060  
Fax: 202 622-4084**RIN:** 1545-AT82**3204. APPLICATION OF GRANTOR TRUST RULES TO NONEXEMPT EMPLOYEES' TRUST****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	09/27/96	61 FR 50778
NPRM Comment Period End	12/26/96	
Hearing	01/15/97	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** M. Grace Fleeman  
Phone: 202 622-3880**RIN:** 1545-AU29**3205. RECOMPUTATION OF LIFE INSURANCE RESERVES****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	01/02/97	62 FR 71
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Mark S. Smith  
Phone: 202 622-3930**RIN:** 1545-AU49**3206. APPLICATION OF ATTRIBUTION RULES TO FOREIGN TRUSTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** W. Edward Williams  
Phone: 202 874-1490**RIN:** 1545-AU91**3207. FASIT—START-UP/OPERATIONAL/TRANSITION****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301; 26 CFR 1**Timetable:**

Action	Date	FR Cite
ANPRM	11/04/96	61 FR 56648

## TREAS—IRS

## Long-Term Actions

Action	Date	FR Cite
ANPRM Comment Period End	12/31/96	
NPRM Next Action Undetermined	02/07/00	65 FR 5807

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Marshall D. Feiring  
Phone: 202 622-3960**RIN:** 1545-AU94**3208. DEFINITION OF "PRIVATE ACTIVITY BONDS"—ALLOCATION AND ACCOUNTING REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM NPRM Comment Period End	12/30/94 05/01/95	59 FR 67658
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bruce M. Serchuk  
Phone: 202 622-3980  
Fax: 202 622-4437**RIN:** 1545-AU98**3209. REGULATIONS UNDER SECTION 1441 REGARDING THE ELECTRONIC TRANSMISSION OF WITHHOLDING CERTIFICATES****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM Final Action	10/14/97 12/00/01	62 FR 53504

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Carl M. Cooper  
Phone: 202 622-3840**RIN:** 1545-AV27**3210. REMOVAL OF TEMPORARY REGULATIONS THAT PROVIDE RULES FOR SUBSTANTIATING TRAVEL EXPENSE DEDUCTIONS FOR MEMBERS OF CONGRESS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1; 26 CFR 5**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Edwin B. Cleverdon  
Phone: 202 622-4920**RIN:** 1545-AV55**3211. REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT PLANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM Next Action Undetermined	12/30/97	62 FR 67780

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Cathy A. Vohs  
Phone: 202 622-6090**RIN:** 1545-AV82**3212. INTEREST ON EDUCATION LOANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM Next Action Undetermined	01/21/99	64 FR 3257

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Nicole E. Francis  
Phone: 202 622-3653**RIN:** 1545-AW01**3213. ALLOCATION OF LOSS ON DISPOSITION OF PERSONAL PROPERTY****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM Cancellation of Public Hearing Next Action Undetermined	01/11/99 05/14/99	64 FR 1571 64 FR 26348

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** David Juster  
Phone: 202 622-3850**RIN:** 1545-AW09**3214. CORPORATE TAX SHELTER REGISTRATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301**Timetable:**

Action	Date	FR Cite
NPRM Public Hearing Final Action	03/02/00 06/20/00 12/00/01	65 FR 11272

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Collins  
(Carchia)  
Phone: 202 622-3080**RIN:** 1545-AW26**3215. PAYMENT OF TAXES BY CREDIT CARD AND DEBIT CARD****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301**Timetable:**

Action	Date	FR Cite
NPRM NPRM Comment Period End Final Action	12/15/98 03/15/99 12/00/01	63 FR 69031

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Robert Taylor  
Phone: 202 622-4940**RIN:** 1545-AW37

## TREAS—IRS

## Long-Term Actions

**3216. CONVERSION TO THE EURO****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	07/29/98	63 FR 40383
NPRM Comment Period End	10/01/98	
Hearing Cancelled	10/16/98	63 FR 55564
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John W. Rogers  
Phone: 202 622-3870**RIN:** 1545-AW43**3217. SECTION 148—CLARIFICATION OF THE TREATMENT OF PREPAYMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	08/25/99	64 FR 46320
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Rebecca L. Harrigal  
Phone: 202 622-3980  
Fax: 202 622-4437**RIN:** 1545-AW44**3218. SOURCE OF INCOME FOR SPACE AND CERTAIN OCEAN ACTIVITIES AND FOR INTERNATIONAL COMMUNICATIONS INCOME****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Anne Shelburne  
Phone: 202 622-3880**RIN:** 1545-AW50**3219. GUIDANCE UNDER SUBPART F RELATING TO CERTAIN HYBRID TRANSACTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	07/13/99	64 FR 37677
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Valerie A. Mark  
Phone: 202 622-3840**RIN:** 1545-AW63**3220. PREPARER DUE DILIGENCE REQUIREMENTS FOR DETERMINING EARNED INCOME CREDIT ELIGIBILITY****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/21/98	63 FR 70357
Cancellation of Public Hearing	05/11/99	64 FR 25223
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Andrea Tucker  
Phone: 202 622-7840**RIN:** 1545-AW73**3221. SECTION 355(E) GUIDANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	08/24/99	64 FR 46155
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Brendan O'Hara  
Phone: 202 622-7530**RIN:** 1545-AW79**3222. NOTICE AND OPPORTUNITY FOR HEARING BEFORE LEVY****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	01/22/99	64 FR 3462
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jerome D. Sekula  
Phone: 202 622-3610**RIN:** 1545-AW90**3223. NOTICE AND OPPORTUNITY FOR HEARING UPON FILING OF NOTICE OF LIEN****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	01/22/99	64 FR 3461
Cancellation of Public Hearing	06/11/99	64 FR 31529
Final Action	12/00/01	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jerome D. Sekula  
Phone: 202 622-3610**RIN:** 1545-AW91**3224. TRANSFER OF REMIC RESIDUAL INTEREST****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	02/07/00	65 FR 5807
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marshall D. Feiring  
Phone: 202 622-3960**RIN:** 1545-AW98

TREAS—IRS

Long-Term Actions

**3225. RULES FOR SOURCING CERTAIN TRANSPORTATION INCOME, SPACE OR OCEAN ACTIVITY INCOME, AND RELATED FOREIGN BASE COMPANY SHIPPING INCOME**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Patricia Bray  
 Phone: 202 622-3840

**RIN:** 1545–AX02

**3226. CHANGE OF ANNUAL ACCOUNTING PERIOD**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Martin Scully  
 Phone: 202 622-4960

**RIN:** 1545–AX15

**3227. COORDINATION OF SECTIONS 755 AND 1060**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	04/05/00	65 FR 17829
Final Action	10/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Matthew Lay  
 Phone: 202 622-3050

**RIN:** 1545–AX18

**3228. GUARANTEED INVESTMENT CONTRACTS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/99	64 FR 46876
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rose Weber  
 Phone: 202 622-4910  
 Fax: 202 622-4437

**RIN:** 1545–AX22

**3229. QUALIFIED TRANSPORTATION FRINGE BENEFITS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/27/00	65 FR 4388
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Agency Contact:** John Burnell Richards  
 Phone: 202 622-6040  
 Fax: 202 622-4817

**RIN:** 1545–AX33

**3230. GROUPING RULES FOR FOREIGN SALES CORPORATION TRANSFER PRICING**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Douglas Giblen  
 Phone: 202 622-4570

**RIN:** 1545–AX41

**3231. SECTION 414(Q) REGULATION**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** R. Lisa Mojiri-Azad  
 Phone: 202 622-6080

**RIN:** 1545–AX48

**3232. STOCK TRANSFER RULES: CARRYOVER OF EARNINGS AND TAXES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Anne Devereaux  
 Phone: 202 622-3850

**RIN:** 1545–AX65

**3233. DEFINITION OF HYPERINFLATIONARY CURRENCY FOR PURPOSES OF SECTION 988**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 1

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2084
Hearing Cancelled	05/08/00	65 FR 26542
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** John W. Rogers  
 Phone: 202 622-3870

**RIN:** 1545–AX67

**3234. DISCLOSURES OF RETURN INFORMATION TO OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE FOR CERTAIN STATISTICAL PURPOSES AND RELATED ACTIVITIES**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 26 CFR 301

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/00	65 FR 215
Final Rule	12/00/01	

## TREAS—IRS

## Long-Term Actions

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal**Agency Contact:** Jennifer S. McGinty  
Phone: 202 622-4950**RIN:** 1545–AX69**3235. MODIFICATION TO SECTION 367(A) STOCK TRANSFER REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1; 26 CFR 602**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Robert W. Lorence  
Phone: 202 622-3860**RIN:** 1545–AX77**3236. REQUIREMENT TO MAINTAIN LIST OF INVESTORS IN POTENTIALLY ABUSIVE TAX SHELTERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301; 26 CFR 602**Timetable:**

Action	Date	FR Cite
NPRM	03/02/00	65 FR 11271
Public Hearing	06/20/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Collins  
(Carchia)

Phone: 202 622-3080

**RIN:** 1545–AX79**3237. TAX SHELTER DISCLOSURE STATEMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1; 26 CFR 602**Timetable:**

Action	Date	FR Cite
NPRM	03/02/00	65 FR 11269
Public Hearing	06/20/00	
Final Action	12/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Collins  
(Carchia)

Phone: 202 622-3080

**RIN:** 1545–AX81**3238. APPLICATION OF SEPARATE FOREIGN TAX CREDIT LIMITATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Rebecca I. Rosenberg  
Phone: 202 622-3870**RIN:** 1545–AX88**3239. • FINAL REGULATIONS ON DISCLOSURES TO DEPARTMENT OF COMMERCE-BUREAU OF CENSUS; SECTION 301.6103(J)(1)-1****Priority:** Routine and Frequent**Legal Authority:** 26 USC 6103**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** Final regulations relating to additions to, and deletions from, the list of items of information disclosed to the Bureau of Census for certain statistical purposes and related activities.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** REG-107501-00Drafting attorney: Jamie G. Bernstein  
(202) 622-4570

CC:P&amp;A:D&amp;PL

**Agency Contact:** Jamie G. Bernstein,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,

1111 Constitution Avenue NW.,

Washington, DC 20224

Phone: 202 622-4570

Fax: 202 622-9888

**RIN:** 1545–AY06**3240. • DAMAGES UNDER SECTION 7433****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 301**Legal Deadline:** None**Abstract:** This regulation will implement a number of new provisions of section 7433, including raising the cap on damages for the intentional or reckless disregard of the Internal Revenue Code, or regulations in connection with a collection action, authorizing actions for the negligent disregard of the Code or regulations. It will provide rules with respect to administrative claims for damages caused by violations of the automatic stay and discharge provisions of the Bankruptcy Code.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-107366-00Drafting attorney: Robert A. Miller (202)  
622-3640

Kevin B. Connelly (202) 622-3630

CC:P&amp;A:CB&amp;S

**Agency Contact:** Kevin B. Connelly,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3630Robert A. Miller, Technical Assistant,  
Department of the Treasury, Internal  
Revenue Service, 1111 Constitution  
Avenue NW, Washington, DC 20224  
Phone: 202 622-3640**RIN:** 1545–AY08**3241. • ELECTING MARK-TO-MARKET FOR MARKETABLE STOCK OF A PFIC****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC  
1296**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Description of methods and  
procedures for electing mark-to-market  
treatment for marketable stock of a  
PFIC.

## TREAS—IRS

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** REG-112306-00Drafting attorney: Laurie Hatten-Boyd  
(202) 622-3840Reviewing attorney: Phyllis Marcus  
(202) 622-3840

CC:INTL

**Agency Contact:** Laurie Hatten-Boyd,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3840**RIN:** 1545–AY17**3242. • ACTIVE CONDUCT OF AN  
INSURANCE BUSINESS UNDER PFIC  
RULES****Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is  
undetermined.**Legal Authority:** 26 USC 7805; 26 USC  
1298; 26 USC 1297**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will define  
the term “active conduct of an  
insurance company” as used in section  
1297(b)(2)(B).**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:**

Undetermined

**Additional Information:** REG-113334-00Drafting attorney: Mark R. Pollard (202)  
622-3840Reviewing attorney: Roger Brown (202)  
622-3208Treasury attorney: Mike Caballero (202)  
622-0851

CC:INTL

**Agency Contact:** Mark R. Pollard,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-3840  
Fax: 202 622-4408**RIN:** 1545–AY20**3243. • GUIDANCE ON CHANGES TO  
THE LAWS FOR CORPORATE  
ESTIMATED TAXES****Priority:** Substantive, Nonsignificant**Reinventing Government:** This  
rulemaking is part of the Reinventing  
Government effort. It will revise text in  
the CFR to reduce burden or  
duplication, or streamline  
requirements.**Legal Authority:** 26 USC 7805; 26 USC  
6655**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** Amend regulations to provide  
guidance on changes to the law for  
corporate estimated taxes.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** REG-107722-00Drafting attorney: Robert A. Desilets, Jr.  
(202) 622-4910Reviewing attorneys: David B. Auclair  
(202) 622-4910

David Schneider (202) 622-4800

Treasury attorneys: Rita Cavanagh (202)  
622-1981

Christopher Ohmes (202) 622-1335

**Agency Contact:** Robert A. Desilets Jr.,  
Attorney-Advisor, Department of the  
Treasury, Internal Revenue Service,  
1111 Constitution Avenue NW,  
Washington, DC 20224  
Phone: 202 622-4910**RIN:** 1545–AY22**3244. • SECTION 1445 REGULATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC  
1445; 26 USC 897**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation requires the  
use of taxpayer identifying numbers on  
submissions made by foreign taxpayersto reduce or eliminate tax under  
sections 897 and 1445.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** REG-106876-00Drafting attorney: Robert Walter  
Lorence (202) 622-3860Reviewing attorney: Charles Beshecky  
(202) 622-3860Treasury attorney: Michael Caballero  
(202) 622-0851

CC:INTL

**Agency Contact:** Robert Walter  
Lorence, Attorney-Advisor, Department  
of the Treasury, Internal Revenue  
Service, 1111 Constitution Avenue NW,  
Washington, DC 20224

Phone: 202 622-3860

Fax: 202 622-4476

**RIN:** 1545–AY24**3245. • TAXABLE YEARS OF CFCS  
AND FPHCS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805; 26 USC  
898**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation will provide  
definitions and rules for determining  
the required year for CFCs and FPHCs.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined**Additional Information:** REG-108523-00Drafting attorney: Carl M. Cooper (202)  
622-3840.Reviewing attorney: Phyllis Marcus  
(202) 622-3840.Treasury attorney: Patrick Brown (202)  
622-1754.

## TREAS—IRS

## Long-Term Actions

CC:INTL

**Agency Contact:** Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3840

RIN: 1545–AY30

### 3246. • ALLOCATION OF INCOME AND DEDUCTIONS FROM INTANGIBLES

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 7805; 26 USC 482

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The regulation will address the allocation of income and deductions from intangible property.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: REG-115037-00

Drafting attorney: John M. Breen (202) 874-1490

Reviewing attorney: Anne P. Shelburne (202) 874-1490

Treasury attorney: Rocco Femia (202) 622-1755

CC:INTL

**Agency Contact:** John M. Breen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza SW, Washington, DC 20224

Phone: 202 874-1490

Fax: 202 874-1896

RIN: 1545–AY38

### 3247. • SECTION 367(D) REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 7805; 26 USC 367(d)

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** The regulations will address the income tax consequences relating

to the transfer of intangibles to foreign corporations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

**Regulatory Flexibility Analysis Required:** No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: REG-106877-00

Drafting attorney: Aaron Farmer (202) 622-3860

Reviewing attorney: Charles P. Besecky (202) 622-3860

Treasury attorney: Rocco Femia (202) 622-1755

CC:INTL

**Agency Contact:** Aaron Farmer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3860

Fax: 202 622-4476

RIN: 1545–AY41

### 3248. • REGULATIONS IMPLEMENTING SECTION 420(C)(3)(E)

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

**Abstract:** Section 420(c)(3)(E) of the Internal Revenue Code directs the Secretary of the Treasury to prescribe such regulations as may be necessary to prevent an employee, who significantly reduces retiree health coverage during the cost maintenance period, from being treated as satisfying the minimum cost requirement.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: REG-116468-00

Drafting attorney: Vernon Carter (202) 622-6070

Reviewing attorney: Michael Roach (202) 622-6090

Treasury attorney: Harlan Weller (202) 622 1001

CC:TEGE

**Agency Contact:** Vernon Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-6070

RIN: 1545–AY43

### 3249. • SPECIAL RULES FOR S CORPORATIONS UNDER SECTION 301.7701(B)-7

Priority: Substantive, Nonsignificant

Legal Authority: 26 USC 7805; 26 USC 7701

CFR Citation: 26 CFR 301; 26 CFR 601

Legal Deadline: None

**Abstract:** The regulation will provide rules that will permit a dual resident S Corporation shareholder, who has claimed a treaty benefit, to be treated as a U.S. resident for purposes of section 1361(a)(1) of the Code.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/01	

**Regulatory Flexibility Analysis Required:** No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: REG-209720-94 (INTL-40-94)

Drafting attorney: David A. Juster (202) 622-3850.

Reviewing attorney: Barbara Felker (202) 622-3850.

The Notice of Proposed Rulemaking was originally published under RIN-1545-AS88.

This regulation project was previously part of REG-208214-90

(INTL-121-90) RIN-1545-AP35.

CC:INTL

**Agency Contact:** David Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3850

RIN: 1545–AY44

**Department of the Treasury (TREAS)**  
**Internal Revenue Service (IRS)**
**Completed Actions**
**3250. LOANS TREATED AS DISTRIBUTIONS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8894	07/31/00	65 FR 46588

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Vernon Carter  
 Phone: 202 622-6070

**RIN:** 1545-AE41

**3251. SOURCE RULES FOR PERSONAL PROPERTY SALES**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Closed Without Regulations	07/28/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** David Juster  
 Phone: 202 622-3850

**RIN:** 1545-AJ83

**3252. TELEFILE VOICE SIGNATURES TEST**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn	07/18/00	65 FR 44491

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Beverly A. Baughman  
 Phone: 202 622-4940

**RIN:** 1545-AQ68

**3253. RULES FOR PROPERTY PRODUCED IN A FARMING BUSINESS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8897	08/21/00	65 FR 50638

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Grant D. Anderson  
 Phone: 202 622-4970  
 Fax: 202 622-6316

**RIN:** 1545-AQ91

**3254. DIESEL FUEL EXCISE TAX; DYE INJECTION SYSTEMS AND MARKERS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 48

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8879	03/31/00	65 FR 17149

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Frank K. Boland  
 Phone: 202 622-3130

**RIN:** 1545-AT18

**3255. COORDINATION OF PRE-1987 DEEMED PAID TAXES**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Closed Without Regulations	07/28/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Anne Devereaux  
 Phone: 202 622-3850

**RIN:** 1545-AT85

**3256. RELIEF FROM DISQUALIFICATION FOR PLANS ACCEPTING ROLLOVERS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8880	04/21/00	65 FR 21312

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Pamela R. Kinard  
 Phone: 202 622-6030

**RIN:** 1545-AU46

**3257. LEGENDING OF REMIC CERTIFICATES**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8888	06/16/00	65 FR 37701

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kenneth Christman  
 Phone: 202 622-3950

**RIN:** 1545-AU96

**3258. DEPOSITS OF EXCISE TAXES**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 40

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8887	06/08/00	65 FR 36326

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Susan Athy  
 Phone: 202 622-3130

**RIN:** 1545-AV02

**3259. REGULATIONS UNDER SECTIONS 871, 881, AND 894 REGARDING PAYMENTS TO PARTNERSHIPS, AND OTHER TRANSPARENT ARRANGEMENTS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

## TREAS—IRS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8889	07/03/00	65 FR 40993

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Shawn Renee Pringle  
Phone: 202 622-3850

**RIN:** 1545-AV10

**3260. QUALIFIED STATE TUITION PROGRAMS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8845	12/03/99	64 FR 67767

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** State

**Agency Contact:** Monice L. Rosenbaum  
Phone: 202 622-6070

**RIN:** 1545-AV18

**3261. PRIVATE ACTIVITY BOND RULES FOR OUTPUT FACILITIES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Withdrawn See RIN 1545-AX87	09/01/00	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** State,  
Local

**Agency Contact:** Rose Weber  
Phone: 202 622-4910  
Fax: 202 622-4437

**RIN:** 1545-AV47

**3262. KEROSENE TAX; AVIATION FUEL TAX; TAX ON HEAVY TRUCKS AND TRAILERS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 48; 26 CFR 40;  
26 CFR 41; 26 CFR 145

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8879	03/31/00	65 FR 17149

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Frank K. Boland  
Phone: 202 622-3130

**RIN:** 1545-AV71

**3263. WARRANTS AND NONQUALIFIED PREFERRED STOCK**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8882	05/16/00	65 FR 31078

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Danbury  
Phone: 202 622-7750

**RIN:** 1545-AV86

**3264. CONSOLIDATED RETURNS—LIMITATIONS ON THE USE OF CERTAIN LOSSES AND CREDITS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8884	05/25/00	65 FR 33753

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marie Milnes-Vasquez  
Phone: 202 622-7770

**RIN:** 1545-AV88

**3265. CONSOLIDATED RETURNS—LIMITATIONS ON THE USE OF CERTAIN LOSSES AND CREDITS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1; 26 CFR 602

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8884	05/25/00	65 FR 33753

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** David H. Kessler  
Phone: 202 622-7770

**RIN:** 1545-AV99

**3266. RETENTION OF INCOME TAX RETURN PREPARER'S SIGNATURES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8893	07/18/00	65 FR 44436

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Beverly A. Baughman  
Phone: 202 622-4940

**RIN:** 1545-AW52

**3267. GUIDANCE UNDER SECTION 1032**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8883	05/16/00	65 FR 31073

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Filiz Serbes  
Phone: 202 622-7550

**RIN:** 1545-AW53

**3268. INCREASE IN CASHOUT LIMIT UNDER SECTIONS 411(A)(7), 411(A)(11), AND 417(E)(1)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

## TREAS—IRS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8891	07/19/00	65 FR 44679

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert M. Walsh  
Phone: 202 622-6090

**RIN:** 1545-AW59

**3269. VALUATION TABLES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1; 26 CFR 20; 26 CFR 25

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8886	06/12/00	65 FR 36908

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** William L. Blodgett  
Phone: 202 622-3090

**RIN:** 1545-AX07

**3270. DEFINITION OF GRANTOR**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8890	07/05/00	65 FR 41332

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** James A. Quinn  
Phone: 202 622-3060

**RIN:** 1545-AX25

**3271. EXTENSION OF TIME TO ELECTRONICALLY FILE INFORMATION RETURNS, LIMITATION OF PENALTY FOR INDIVIDUAL'S FAILURE TO PAY DURING PERIOD OF INSTALLMENT AGREEMENT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8895	08/18/00	65 FR 50405

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local, Federal

**Agency Contact:** Marilyn E. Brookens  
Phone: 202 622-4920  
Fax: 202 622-1585

**RIN:** 1545-AX31

**3272. ADVANCE PAYMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Closed Without Regulations	07/25/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kimberly Lynn Koch  
Phone: 202 622-4950  
Fax: 202 622-6316

**RIN:** 1545-AX36

**3273. CHANGES TO SECTION 1441 REGULATIONS EFFECTIVE JANUARY 1, 2000**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8881	05/22/00	65 FR 32152

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kate Y. Hwa  
Phone: 202 622-3840

**RIN:** 1545-AX53

**3274. MODIFICATION OF THE SOLELY-FOR-VOTING STOCK REQUIREMENT IN CERTAIN CORPORATE REORGANIZATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8885	05/19/00	65 FR 31805

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marnie Rapaport  
Phone: 202 622-7550

**RIN:** 1545-AX57

**3275. PERMITTED ELECTION CHANGES UNDER SECTION 125**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 1

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8878	03/23/00	65 FR 15548

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Janet A. Laufer  
Phone: 202 622-6060  
Fax: 202 622-4084

**RIN:** 1545-AX58

**3276. CLARIFICATION OF ENTITY CLASSIFICATION RULES REGARDING ENTITIES CLASSIFIED AS CORPORATIONS (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 301

**Completed:**

Reason	Date	FR Cite
Closed Without Regulations	08/08/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Camille B. Evans  
Phone: 202 622-3860

**RIN:** 1545-AX76

**3277. REQUIREMENT TO MAINTAIN LIST OF INVESTORS IN POTENTIALLY ABUSIVE TAX SHELTERS (TEMPORARY)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 26 CFR 301; 26 CFR 602

## TREAS—IRS

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8875	03/02/00	65 FR 11211

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Collins (Carchia)

Phone: 202 622-3080

**RIN:** 1545–AX80**3278. TAX SHELTER DISCLOSURE STATEMENTS (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 1; 26 CFR 602**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8877	03/02/00	65 FR 11205

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Collins (Carchia)

Phone: 202 622-3080

**RIN:** 1545–AX82**3279. CORPORATE TAX SHELTER REGULATION (TEMPORARY)****Priority:** Substantive, Nonsignificant**CFR Citation:** 26 CFR 301; 26 CFR 602**Completed:**

Reason	Date	FR Cite
Final Action Completed By TD 8876	03/02/00	65 FR 11215

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Mary Beth Collins (Carchia)

Phone: 202 622-3080

**RIN:** 1545–AX83**3280. • REPEAL OF PROPOSED REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 7805**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** Withdrawal of proposed regulations sections 1.593-12, 1.593-13, and 1.593-14.**Timetable:**

Action	Date	FR Cite
Withdrawn	07/12/00	65 FR 42900

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** REG-103115-00

Drafting attorney: Craig Wojay (202) 622-3920

Reviewing attorney: Steven Glickstein (202) 622-4439

CC:FI&amp;P

**Agency Contact:** Craig Wojay, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224

Phone: 202 622-3920

**RIN:** 1545–AX90**3281. • MODIFICATION OF TAX SHELTER RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** 26 USC 6011; 26 USC 6111; 26 USC 6112; 26 USC 7805**CFR Citation:** 26 CFR 1; 26 CFR 301**Legal Deadline:** None**Abstract:** This regulation provides guidance on disclosure, registration, and list maintenance relating to tax shelters.**Timetable:**

Action	Date	FR Cite
Final Action Completed By TD 8896	08/16/00	65 FR 49909

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** REG-103735-00, REG-103736-00, REG-110311-98

Drafting attorney: Catherine Moore (202) 622-3080

Reviewing attorney: Donna Young (202) 622-3070

CC:P&amp;SI

**Agency Contact:** Catherine Moore, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224  
Phone: 202 622-3080**RIN:** 1545–AY37**BILLING CODE** 4830–01–S

## Department of the Treasury (TREAS)

## Office of Thrift Supervision (OTS)

## Prerule Stage

**3282. CAPITAL RULES****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12

USC 1467a; 12 USC 1835; 12 USC 1848; 12 USC 4808

**CFR Citation:** 12 CFR 567**Legal Deadline:** None**Abstract:** OTS currently has underway a number of regulatory amendments to its capital standards for savings associations. These amendments implement section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994

(CDRIA). CDRIA requires the Federal banking agencies to make their capital rules and other rules more uniform. The agencies have jointly issued a proposed rule that would treat recourse obligations and direct credit substitutes consistently and that would vary the risk-based capital requirement for positions in securitized asset transactions according to relative risk exposure; and a proposed rule that would amend regulatory capital

## TREAS—OTS

## Prerule Stage

standards concerning the treatment of certain residual interests in asset securitizations and other transfers of financial assets, and plan to issue: (1) an advance notice of proposed rulemaking developing a simplified capital adequacy framework for small, non-complex institutions; (2) a final rule on risk-based capital standards for collateralized transactions; and (3) a proposed rule on risk-based capital standards for claims on securities firms. OTS is also preparing miscellaneous amendments updating its capital rules.

**Timetable:****Claims on Securities Firms**

NPRM 11/00/00

**Collateralized Transactions**

NPRM 08/16/96 (61 FR 42565)

Final Rule 07/00/01

**Miscellaneous Capital Amendments**

NPRM 01/00/01

**Recourse Arrangements and Direct Credit Substitutes**

ANPRM 05/25/94 (59 FR 27116)

NPRM 05/25/94 (59 FR 27116)

NPRM 11/05/97 (62 FR 59944)

NPRM Correction 11/20/97 (62 FR 62234)

NPRM Comment Period End 02/03/98

NPRM 03/08/00 (65 FR 12320)

NPRM Comment Period End 06/07/00

Final Rule 04/00/01

**Residuals in Securitizations**

NPRM 09/27/00 (65 FR 57993)

NPRM Comment Period End 12/26/00

**Simplified Capital Adequacy Framework for Small, Non-Complex Institutions**

ANPRM 11/00/00

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Additional Information:** Additional Agency Contacts: David Riley, Project Manager - Capital Policy, (202) 906-6669, for Miscellaneous Capital Amendments and Claims on Securities Firms; Michael D. Solomon, listed below, for Recourse Arrangements,

Simplified Capital Adequacy Framework, Residuals in Securitizations, Collateralized Transactions, and Claims on Securities Firms; Christine Harrington, Counsel (Banking and Finance), Regulations & Legislation Division, (202) 906-7957, for Simplified Capital Adequacy Framework and Miscellaneous Capital Amendments; and Teresa Scott, Counsel (Banking and Finance), Regulations & Legislation Division, (202) 906-6478, for Recourse Arrangements, Claims on Securities Firms, Collateralized Transactions, and Residuals in Securitizations.

**Agency Contact:** Michael D. Solomon, Senior Program Manager for Capital Policy, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5654

RIN: 1550-AB11

## Department of the Treasury (TREAS)

## Office of Thrift Supervision (OTS)

## Proposed Rule Stage

**3283. APPLICATION PROCESSING****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 5 USC 552; 5 USC 559; 12 USC 1462a; 12 USC 1463; 12 USC 1464

**CFR Citation:** 12 CFR 516**Legal Deadline:** None

**Abstract:** OTS plans to issue a notice of proposed rulemaking revising its procedures for submitting certain applications, notices, and other filings to OTS. OTS will draft the new rule in the "plain language" format to make the rule more understandable and workable for the public and OTS.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Lane Langford, Regulatory Analyst, Office of

Examinations and Supervision, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7027

Robyn Dennis, Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5751

Koko Ives, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6661

John P. Harootunian, Senior Counsel, Business Transactions Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6415

RIN: 1550-AB14

**3284. TYPES OF OFFICES****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in

the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1828

**CFR Citation:** 12 CFR 545**Legal Deadline:** None

**Abstract:** OTS plans to issue a notice of proposed rulemaking to amend its definitions of home, branch and agency office, and related notice or application requirements. These provisions are under review to ensure that they meet the modern challenges of how institutions conduct their businesses.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Richard Bennett, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7409

## TREAS—OTS

## Proposed Rule Stage

Donna Deale, Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7488

RIN: 1550-AB18

**3285. DIRECTORS AND OFFICERS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 12 USC 1462; 12 USC 3806; 42 USC 4106; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1817; 12 USC 1820; 12 USC 1828

**CFR Citation:** 12 CFR 545; 12 CFR 563

**Legal Deadline:** None

**Abstract:** OTS plans to issue a notice of proposed rulemaking to reorganize, revise and streamline its regulations on directors and officers. The rule will address indemnification, board composition requirements, compensation, employment contracts, extensions of credit to outsiders, conflicts of interest, and corporate opportunity.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Robyn Dennis, Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5751

Ellen J. Sazzman, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7133

David A. Permut, Counsel (Banking and Finance), Business Transactions Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552

Phone: 202 906-7505

RIN: 1550-AB19

**3286. NONDEPOSIT INVESTMENT PRODUCTS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 12 USC 1462; 12 USC 3806; 42 USC 4106; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1817; 12 USC 1820; 12 USC 1828

**CFR Citation:** 12 CFR 545; 12 CFR 563

**Legal Deadline:** None

**Abstract:** OTS plans to issue a notice of proposed rulemaking updating its regulations on the sale of nondeposit investment products.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robyn Dennis, Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5751

RIN: 1550-AB22

**3287. MUTUAL SAVINGS ASSOCIATIONS, MUTUAL HOLDING COMPANY REORGANIZATIONS, AND CONVERSIONS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 12 USC 1462; 15 USC 78n; 15 USC 78w; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 2901; 15 USC 78c; 15 USC 78l; 15 USC 78m

**CFR Citation:** 12 CFR 563b

**Legal Deadline:** None

**Abstract:** OTS has issued an interim final rule (1) amending its regulations governing repurchases of stock of insured savings associations following a conversion, (2) implementing changes regarding dividend waivers for mutual holding companies, and (3) incorporating changes resulting from the Gramm-Leach-Bliley Act.

OTS has also issued a notice of proposed rulemaking that would implement a comprehensive strategy governing mutual institutions, mutual holding company reorganizations, and the mutual to stock conversion process.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/00	65 FR 43093
Interim Final Rule	07/12/00	65 FR 43088
NPRM Comment Period End	11/09/00	
Interim Final Rule Comment Period End	11/09/00	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Mary Jo Johnson, Project Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5739

David A. Permut, Counsel (Banking and Finance), Business Transactions Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7505

Timothy Leary, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7170

RIN: 1550-AB24

**3288. DUE ON SALE AND USURY PREEMPTION**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

## TREAS—OTS

## Proposed Rule Stage

**Legal Authority:** 12 USC 1464; 12 USC 1701j-3; 12 USC 1735f-7a

**CFR Citation:** 12 CFR 590; 12 CFR 591

**Legal Deadline:** None

**Abstract:** OTS plans to issue a notice of proposed rulemaking to convert into a "plain language" format 12 CFR parts 590 and 591, concerning preemption of state usury and due-on-sale laws.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Agency Contact:** William J. Magrini, Senior Project Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5744

Sally Watts, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7380

**RIN:** 1550-AB25

**3289. HOLDING COMPANY ACTIVITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468

**CFR Citation:** 12 CFR 584

**Legal Deadline:** None

**Abstract:** OTS plans to issue a notice of proposed rulemaking that would require certain holding companies to notify OTS before engaging in significant new activities and certain debt issuances.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Valerie J. Lithotomos, Counsel (Banking and Finance),

Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6439

Donna Deale, Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7488

Richard L. Little, Senior Counsel (Banking and Finance), Business Transactions Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6447

**RIN:** 1550-AB29

**3290. ORGANIZATIONAL REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 12 USC 1462a; 12 USC 1463; 12 USC 1464; 44 USC 3501 et seq.

**CFR Citation:** 12 CFR 500; 12 CFR 506; 12 CFR 510

**Legal Deadline:** None

**Abstract:** OTS plans to rewrite its regulations on OTS organization and other procedural matters in the "plain language" format.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/01	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Teresa Scott, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6478

**RIN:** 1550-AB30

**3291. FAIR CREDIT REPORTING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, May 12, 2000.

**Abstract:** OTS and the other Federal banking agencies are developing regulations implementing provisions of the Fair Credit Reporting Act. Subject to certain conditions, these regulations permit institutions to share "other information" with affiliates without becoming consumer reporting agencies (affiliate sharing). The proposed regulations would specify that institutions must provide notice and an opportunity to opt-out to consumers before sharing "other information" with their affiliates.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Christine Harrington, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7957

Richard Riese, Director, Compliance Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6134

**RIN:** 1550-AB33

**3292. RESPONSIBLE ALTERNATIVE MORTGAGE LENDING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

**CFR Citation:** 12 CFR 560

**Legal Deadline:** None

**Abstract:** OTS is reviewing its lending regulations, including the rules implementing the Alternative Mortgage Parity Act, to determine whether and how they may be improved to ensure that lending regulations are encouraging the safe and sound, efficient delivery of low cost credit to the public, free from undue regulatory duplication and burden.

## TREAS—OTS

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	04/05/00	65 FR 17811
ANPRM Comment Period End	07/05/00	
NPRM	01/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** This action may have federalism implications as defined in EO 13132.**Agency Contact:** William J. Magrini, Senior Project Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5744Ellen J. Sazzman, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7133Theresa A. Stark, Project Manager, Compliance Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7054**RIN:** 1550-AB37**3293. AMENDMENT TO PREAPPROVED BYLAWS****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a**CFR Citation:** 12 CFR Part 552**Legal Deadline:** None**Abstract:** The notice of proposed rulemaking will amend OTS's bylaw regulations for stock associations to give savings associations the option to adopt certain preapproved bylaws, including bylaws on director integrity.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Aaron Kahn, Special Counsel, Business Transactions Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6263**RIN:** 1550-AB39**3294. LENDING AND INVESTMENT - MISCELLANEOUS CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; ...**CFR Citation:** 12 CFR 559; 12 CFR 560**Legal Deadline:** None**Abstract:** OTS is reviewing its lending regulations to enable thrifts to better serve their communities and compete with national and state banks.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Deborah S. Merkle, Project Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6688Koko Ives, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6661Sonja White, National Community Affairs Coordinator, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7857**RIN:** 1550-AB40**Department of the Treasury (TREAS)  
Office of Thrift Supervision (OTS)****Final Rule Stage****3295. COMMUNITY REINVESTMENT ACT DISCLOSURE****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1814; ...**CFR Citation:** 12 CFR 573**Legal Deadline:** None**Abstract:** OTS and the other Federal banking agencies are developing regulations to implement section 711 of the Gramm-Leach-Bliley Act, which requires disclosure and reporting of Community Reinvestment Act agreements and contains enforcement provisions.**Timetable:**

Action	Date	FR Cite
NPRM	05/19/00	65 FR 31962
NPRM Comment Period End	07/21/00	
Final Rule	12/00/00	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Organizations, Businesses**Government Levels Affected:** None**Agency Contact:** Richard Riese, Director, Compliance Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6134Richard Bennett, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7409**RIN:** 1550-AB32**3296. INSURANCE CUSTOMER PROTECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1831x**CFR Citation:** 12 CFR 536**Legal Deadline:** Final, Statutory, November 12, 2000.

## TREAS—OTS

## Final Rule Stage

**Abstract:** Pursuant to section 305 of the Gramm-Leach-Bliley Act, OTS and the other Federal banking agencies are developing regulations to provide customer protections relating to sales practices, disclosures, and advertising for customers that obtain insurance products from insured depository institutions.

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/00	65 FR 50882
Final Rule	11/00/00	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** This action may have federalism implications as defined in EO 13132.

**Agency Contact:** Richard Bennett, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-7409

Robyn Dennis, Manager, Supervision Policy, Department of the Treasury,

Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-5751

**RIN:** 1550-AB34

**3297. PRIVACY: NONPUBLIC PERSONAL INFORMATION; SAFEGUARDING CUSTOMER INFORMATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1881 to 1984; 12 USC 1831p-1; 12 USC 1462a; 12 USC 1463; 12 USC 1464

**CFR Citation:** 12 CFR 568; 12 CFR 570; 12 CFR 573

**Legal Deadline:** Final, Statutory, May 12, 2000.

**Abstract:** OTS, the other banking agencies, the SEC, and FTC have issued final rules governing a financial institution's ability to disclose nonpublic personal information about consumers to nonaffiliated third parties. The rules implement title V, subtitle A, of the Gramm-Leach-Bliley Act (GLBA).

Pursuant to sections 501 and 505(b) of GLBA, the banking agencies have issued a notice of proposed rulemaking seeking comment on proposed

guidelines establishing standards for safeguarding customer information.

**Timetable:****Privacy**

NPRM 02/22/00 (65 FR 8770)  
NPRM Comment Period Closes 03/31/00  
Final Rule 06/01/00 (65 FR 35162)  
Final Rule Effective Date 11/13/00

**Safeguarding Customer Information**

NPRM 06/26/00 (65 FR 39472)  
NPRM Comment Period Closes 08/25/00  
Final Rule 12/00/00

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Cindy Baltierra, Program Analyst, Compliance Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552  
Phone: 202 906-6540

Christine Harrington, Counsel (Banking and Finance), Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552

Phone: 202 906-7957

**RIN:** 1550-AB36

## Department of the Treasury (TREAS)

## Completed Actions

## Office of Thrift Supervision (OTS)

**3298. TRANSFER AND REPURCHASE OF GOVERNMENT SECURITIES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 563

**Completed:**

Reason	Date	FR Cite
Direct Final Rule Comment Period End	04/27/00	
Direct Final Rule Confirmation of Effective Date	05/12/00	65 FR 30527

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robyn Dennis  
Phone: 202 906-5751

Teresa Scott  
Phone: 202 906-6478

**RIN:** 1550-AB38

**3299. SUBORDINATE ORGANIZATIONS UPDATES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 559

**Completed:**

Reason	Date	FR Cite
Merged into RIN 1550- AB40	07/05/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Donna Deale  
Phone: 202 906-7488

Valerie J. Lithotomos  
Phone: 202 906-6439

**RIN:** 1550-AB41

**BILLING CODE 6720-01-S**

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