

tended by this document, the final withholding regulations will apply to payments made after December 31, 1999. This document also withdraws two amendments which have already been dealt with in T.D. 8772, (1998-31 I.R.B. 8), which was published in the **Federal Register** for June 30, 1998.

DATES: Effective Dates: The amendments in this final rule are effective January 1, 2000. As of December 31, 1998, the effective date of the final regulations published at 62 F.R. 53387, October 14, 1997, is delayed from January 1, 1999, until January 1, 2000; however, the effective date of the addition of §31.9999-0 and §35a.9999-0 and the removal of §35a.9999-0T remains October 14, 1997.

Withdrawal: Effective December 31, 1998, the amendments removing §§1.6045-1T and 1.6045-2T published at 62 F.R. 53387, October 14, 1997, are withdrawn.

FOR FURTHER INFORMATION CONTACT: Lilo Hester, (202) 622-3840 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this amendment provide guidance under sections 1441, 1442, and 1443 of the Internal Revenue Code (Code) on certain U.S. source income paid to foreign persons, the related tax deposit and reporting requirements under section 1461 of the Code, and the related changes under sections 163(f), 165(j), 871, 881, 1462, 1463, 3401, 3406, 6041, 6041A, 6042, 6045, 6049, 6050A, 6050N, 6109, 6114, 6402, 6413, and 6724 of the Code.

Need for Changes

On April 13, 1998, in Notice 98-16 (1998-15 I.R.B. 12), the IRS and Treasury announced their decision to extend the effective date of the final regulations, and to make correlative changes to the transition rules for obtaining new withholding certificates and statements containing the necessary information and representations required by the final regulations. As published in the **Federal Register** on October 14, 1997 (62 F.R. 53387 [T.D. 8734, 1997-2 C.B. 109]), the final regulations were generally applica-

ble to payments made after December 31, 1998, and generally granted withholding agents until after December 31, 1999, to obtain the new withholding certificates and statements required under those regulations. This amendment serves to make the final regulations applicable to payments made after December 31, 1999, and to require mandatory use of the new withholding certificates and statements after December 31, 2000. In addition, this amendment serves to address typographical errors, and to withdraw the removal of §§1.6045-1T and 1.6045-2T since those sections were already removed on June 30, 1998, in T.D. 8772 (63 F.R. 35517).

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. Finally, it has been determined that the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply to these regulations because the regulations do not impose a collection of information on small entities. Pursuant to 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations (61 F.R. 17614) was submitted to the Small Business Administration for comment on its impact on small business.

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Amendments to the Regulations

Accordingly, under the authority of 26 U.S.C. 7805, 26 CFR parts 1, 31, 35a, and 301 are amended by making the following correcting amendments:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

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

Par. 2. In §1.871-14, paragraph (h) is revised to read as follows:

§1.871-14 Rules relating to repeal of tax on interest of non resident alien individuals and foreign corporations received from certain portfolio debt investments.

* * * * *

Section 1441.—Withholding of Tax on Nonresident Aliens

26 CFR 1.1441-1: Requirement for the deduction and withholding of tax on payments to foreign persons.

T.D. 8804

DEPARTMENT OF THE TREASURY Internal Revenue Services 26 CFR Parts 1, 31, 35a and 301

General Revision of Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Related Collection, Refunds, and Credits; Revision of Information Reporting and Backup Withholding Regulations; and Removal of Regulations Under Parts 1 and 35a and of Certain Regulations Under Income Tax Treaties

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule; delay of effective date, technical amendments, and partial withdrawal.

SUMMARY: This document contains changes delaying the effective date and making technical amendments to final regulations (T.D. 8734, 1997-2 C.B. 109), relating to the withholding of income tax on certain U.S. source income payments to foreign persons. The Department of the Treasury and the IRS believe it is in the best interest of tax administration to extend the effective date of the final withholding regulations to ensure that both taxpayers and the government can complete changes necessary to implement the new withholding regime. As ex-

(h) *Effective dat e—(1) In general.* This section shall apply to payments of interest made after December 31, 1999.

(2) *Transition rule .* For purposes of this section, the validity of a Form W-8 that was valid on January 1, 1998, under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a Form W-8 that is valid on or after January 1, 1999, remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (h)(2), however, does not apply to extend the validity period of a Form W-8 that expires solely by reason of changes in the circumstances of the person whose name is on the certificate. Notwithstanding the first three sentences of this paragraph (h)(2), a withholding agent or payor may choose to not take advantage of the transition rule in this paragraph (h)(2) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and, therefore, may choose to obtain withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

Par. 3. In §1.1441-1 as revised at 62 F.R. 53424, paragraph (f) is revised to read as follows:

§1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

* * * * *

(f) *Effective dat e—(1) In general.* This section applies to payments made after December 31, 1999.

(2) *Transition rule* —(i) *Special rules for existing documentation* For purposes of paragraphs (d)(3) and (e)(2)(i) of this section, the validity of a withholding certificate (namely, Form W-8, 8233, 1001, 4224, or 1078, or a statement described in §1.1441-5 in effect prior to January 1, 2000 (see §1.1441-5 as contained in 26 CFR part 1, revised April 1, 1998)) that was valid on January 1, 1998 under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a withholding certificate that is valid on or after January 1, 1999, remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (f)(2)(i), however, does not apply to extend the validity period of a withholding certificate that expires solely by reason of changes in the circumstances of the person whose name is on the certificate. Notwithstanding the first three sentences of this paragraph (f)(2)(i), a withholding agent may choose to not take advantage of the transition rule in this paragraph (f)(2)(i) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in paragraph (e)(4)(ii) of this section, regardless of when the certificate is obtained.

(ii) *Lack of documentation for past years.* A taxpayer may elect to apply the provisions of paragraphs (b)(7)(i)(B), (ii), and (iii) of this section, dealing with liability for failure to obtain documentation timely, to all of its open tax years, including tax years that are currently under examination by the IRS. The election is made by simply taking action under those

provisions in the same manner as the taxpayer would take action for payments made after December 31, 1999.

Par. 4. In §1.1441-4 as amended at 62 F.R. 53450, paragraph (g) is revised to read as follows:

§1.1441-4 Exemptions from withholding for certain effectively connected income and other amounts.

* * * * *

(g) *Effective dat e—(1) General rule.* This section applies to payments made after December 31, 1999.

(2) *Transition rules .* The validity of a Form 4224 or 8233 that was valid on January 1, 1998, under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a Form 4224 or 8233 that is valid on or after January 1, 1999, remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (g)(2), however, does not apply to extend the validity period of a Form 4224 or 8223 that expires solely by reason of changes in the circumstances of the person whose name is on the certificate. Notwithstanding the first three sentences of this paragraph (g)(2), a withholding agent may choose to not take advantage of the transition rule in this paragraph (g)(2) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

Par. 5. In §1.1441-5 as revised at 62 F.R. 53452, paragraph (g) is revised to read as follows:

§1.1441-5 Withholding on payments to partnerships, trusts, and estates.

* * * * *

(g) *Effective dat e—(1) General rule.* This section applies to payments made after December 31, 1999.

(2) *Transition rules.* The validity of a withholding certificate that was valid on January 1, 1998, under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a withholding certificate that is valid on or after January 1, 1999, remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (g)(2), however, does not apply to extend the validity period of a withholding certificate that expires solely by reason of changes in the circumstances of the person whose name is on the certificate. Notwithstanding the first three sentences of this paragraph (g)(2), a withholding agent may choose to not take advantage of the transition rule in this paragraph (g)(2) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

Par. 6. In §1.1441-6 as revised at 62 F.R. 53458, paragraph (g) is revised to read as follows:

§1.1441-6 Claim of reduced withholding under an income tax treaty.

* * * * *

(g) *Effective dat e—(1) General rule.* This section applies to payments made after December 31, 1999.

(2) *Transition rules.* For purposes of this section, the validity of a Form 1001 or 8233 that was valid on January 1, 1998, under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a Form 1001 or 8233 is valid on or after January 1, 1999, remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (g)(2), however, does not apply to extend the validity period of a Form 1001 or 8233 that expires solely by reason of changes in the circumstances of the person whose name is on the certificate or in interpretation of the law under the regulations under §1.894-1T(d). Notwithstanding the first three sentences of this paragraph (g)(2), a withholding agent may choose to not take advantage of the transition rule in this paragraph (g)(2) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

Par. 7. In §1.1441-8 as redesignated and amended at 62 F.R. 53464, paragraph (f) is revised to read as follows:

§1.1441-8 Exemption from withholding for payments to foreign governments, international organizations, foreign central banks of issue, and the Bank for International Settlements.

* * * * *

(f) *Effective dat e—(1) In general.* This section applies to payments made after December 31, 1999.

(2) *Transition rules.* For purposes of this section, the validity of a Form 8709 that was valid on January 1, 1998, under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a Form 8709 that is valid on or after January 1, 1999, remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (f)(2), however, does not apply to extend the validity period of a Form 8709 that expires solely by reason of changes in the circumstances of the person whose name is on the certificate. Notwithstanding the first three sentences of this paragraph (f)(2), a withholding agent may choose to not take advantage of the transition rule in this paragraph (f)(2) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

Par. 8. In §1.1441-9, paragraph (d) is revised to read as follows:

§1.1441-9 Exemption from withholding on exempt income of a foreign tax-exempt organization, including foreign private foundations.

* * * * *

(d) *Effective dat e—(1) In general.* This section applies to payments made after December 31, 1999.

(2) *Transition rules*. For purposes of this section, the validity of a Form W-8, 1001, or 4224 or a statement that was valid on January 1, 1998, under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a Form W-8, 1001, or 4224 or a statement that is valid on or after January 1, 1999 remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (d)(2), however, does not apply to extend the validity period of a Form W-8, 1001, or 4224 or a statement that expires solely by reason of changes in the circumstances of the person whose name is on the certificate. Notwithstanding the first three sentences of this paragraph (d)(2), a withholding agent may choose to not take advantage of the transition rule in this paragraph (d)(2) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (d)(2), however, does not apply to extend the validity period of a Form W-8, 1001, or 4224 or a statement that expires solely by reason of changes in the circumstances of the person whose name is on the certificate. Notwithstanding the first three sentences of this paragraph (d)(2), a withholding agent may choose to not take advantage of the transition rule in this paragraph (d)(2) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

Par. 9. In §1.1443-1 as revised at 62 F.R. 53466, paragraph (c) is revised to read as follows:

§1.1443-1 Foreign tax-exempt organizations.

* * * * *

(c) *Effective dat e—(1) In general.* This section applies to payments made after December 31, 1999.

(2) *Transition rules*. For purposes of this section, the validity of an affidavit or opinion of counsel described in §1.1443-1(b)(4)(i) in effect prior to January 1,

2000 (see §1.1443-1(b)(4)(i) as contained in 26 CFR part 1, revised April 1, 1998) that is valid on December 31, 1998 is extended until December 31, 2000. However, a withholding agent may choose to not take advantage of the transition rule in this paragraph (c)(2) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR part 1, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

§1.6041-3 [Amended]

Par. 10. Section 1.6041-3 as amended at 62 F.R. 53472 is further amended by removing the last sentence of the introductory text.

Par. 11. In §1.6042-3 as amended at 62 F.R. 53475, paragraph (b)(5) is revised to read as follows:

§1.6042-3 Dividends subject to reporting.

* * * * *

(b) * * *

(5) *Effective dat e—(i) General rule.* The provisions of this paragraph (b) apply to payments made after December 31, 1999.

(ii) *Transition rules*. The validity of a withholding certificate (namely, Form W-8 or other form upon which the payor is permitted to rely to hold the payee as a foreign person) that was valid on January 1, 1998, under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a withholding certificate that is valid on or after January 1, 1999, remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (g)(5)(ii), however,

if earlier, until December 31, 2000. The rule in this paragraph (b)(5)(ii), however, does not apply to extend the validity period of a withholding certificate that expires solely by reason of changes in the circumstances of the person whose name is on the certificate. Notwithstanding the first three sentences of this paragraph (b)(5)(ii), a payor may choose to not take advantage of the transition rule in this paragraph (b)(5)(ii) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

Par. 12. In §1.6045-1 as amended at 62 F.R. 53476, paragraph (g)(5) is revised to read as follows:

§1.6045-1 Returns of information of brokers and barter exchanges.

* * * * *

(g) * * *

(5) *Effective dat e—(i) General rule.* The provisions of this paragraph (g) apply to payments made after December 31, 1999.

(ii) *Transition rules*. The validity of a withholding certificate (namely, Form W-8 or other form upon which the payor is permitted to rely to hold the payee as a foreign person) that was valid on January 1, 1998, under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a withholding certificate that is valid on or after January 1, 1999, remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (g)(5)(ii), however,

does not apply to extend the validity period of a form that expires in 1998 solely by reason of changes in the circumstances of the person whose name is on the certificate. Notwithstanding the first three sentences of this paragraph (g)(5)(ii), a payor may choose not to take advantage of the transition rule in this paragraph (g)(5)(ii) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and, therefore, to require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

Par 13. Effective December 31, 1998, the amendments removing §§1.6045-1T and 1.6045-2T, published at 62 F.R. 53480, are withdrawn.

Par. 14. In §1.6049-5 as amended at 62 F.R. 53483, paragraph (g) is revised to read as follows:

§1.6049-5 *Inte rest and original issue discount subject to reporting after December 31, 1982.*

* * * * *

(g) *Effective date*—(1) *General rule.* The provisions of paragraphs (b)(6) through (15), (c), (d), and (e) of this section apply to payments made after December 31, 1999.

(2) *Transition rules.* The validity of a withholding certificate (namely, Form W-8 or other form upon which the payor is permitted to rely to hold the payee as a foreign person) that was valid on January 1, 1998, under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and expired, or will expire, at any time during 1998, is extended until December 31, 1998. The validity of a withholding certificate that is valid on or after January 1, 1999, remains valid until its validity expires under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) or, if earlier, until December 31, 2000. The rule in this paragraph (g)(2), however, does not apply to extend the validity period of a withholding certificate that expires solely by reason of changes in the circumstances of the person whose name

is on the certificate. Notwithstanding the first three sentences of this paragraph (g)(2), a payor may choose not to take advantage of the transition rule in this paragraph (g)(2) with respect to one or more withholding certificates valid under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998) and, therefore, may require withholding certificates conforming to the requirements described in this section (new withholding certificates). For purposes of this section, a new withholding certificate is deemed to satisfy the documentation requirement under the regulations in effect prior to January 1, 2000 (see 26 CFR parts 1 and 35a, revised April 1, 1998). Further, a new withholding certificate remains valid for the period specified in §1.1441-1(e)(4)(ii), regardless of when the certificate is obtained.

**PARTS 1, 31, 35a, and 301
[AMENDED]**

Par. 15. In the list below, for each section indicated in the left column (which was added, revised, or amended at 62 F.R. 53387), remove the language in the middle column and add the language in the right column:

<i>Section</i>	<i>Remove</i>	<i>Add</i>
1.871-14(c)(2)(iii) 1.871-14(c)(3)(ii), <i>Example e</i> first and sixth sentences	1.1441-1(c)(3)(ii) October 12, 1999	1.1441-1(e)(3)(ii) October 12, 2000
1.871-14(c)(3)(ii), <i>Example e</i> sixth sentence	December 31, 1999	December 31, 2000
1.871-14(c)(3)(ii), <i>Example ,</i> sixth and seventh sentences	June 15, 2003	June 15, 2004
1.1441-1(b)(2)(iii)(B), fifth sentence	savings clause	saving clause
1.1441-1(b)(2)(iv)(E), second sentence	actually maintain	actually maintains
1.1441-1(b)(3)(iii)(B), first sentence	that cannot reliably	cannot reliably
1.1441-1(b)(3)(iii)(C), last sentence	1.1441-4(e)	1.1441-4(d)
1.1441-1(b)(3)(x), <i>Example 1</i> seventh and ninth sentences	W s	W's

1.1441-1(b)(3)(x), <i>Example 2</i> sixth and seventh sentences	W s	W's
1.1441-1(b)(3)(x), <i>Example 3</i> third sentence	X, nc.	X, Inc.
1.1441-1(b)(4)(i), first sentence	1.871-7(b)(2)(i)	1.871-7(b)(2)
1.1441-1(b)(4)(xix)	January 1, 1999	January 1, 2000
1.1441-1(b)(4)(xix)	April 1, 1997	April 1, 1998
1.1441-1(b)(5)(viii)	I.R.B. 1996-49	1996-2 C.B. 227
1.1441-1(b)(7)(v), <i>Example 1</i> ,first, fourth, and eighth sentences	June 15, 1999	June 15, 2000
1.1441-1(b)(7)(v), <i>Example 4</i> third and ninth sentences	September 30, 2001	September 30, 2002
1.1441-1(b)(7)(v), <i>Example 1</i> ,ninth sentence	March 15, 2000	March 15, 2001
1.1441-1(b)(7)(v), <i>Example 2</i> ,first, fourth, and seventh sentences	June 15, 1999	June 15, 2000
1.1441-1(b)(7)(v), <i>Example 2</i> ,third and seventh sentences	September 30, 2001	September 30, 2002
1.1441-1(b)(7)(v), <i>Example 2</i> ,seventh and ninth sentences	March 15, 2000	March 15, 2001
1.1441-1(c)(6)(ii)(B)	January 1, 1999	January 1, 2000
1.1441-1(c)(6)(ii)(B)	April 1, 1997	April 1, 1998
1.1441-1(e)(4)(ii)(A)	September 30, 1999	September 30, 2000
1.1441-1(e)(4)(ii)(A)	December 31, 2002	December 31, 2003
1.1441-1(e)(4)(vi), sixth sentence	provided the acceptable	provided on the acceptable
1.1441-1(e)(4)(ix)(A)(2), second sentence	§31.3406(c)1(c)(3)(ii)	§31.3406(c)-(c)(3)(ii)
1.1441-1(e)(5)(i), penultimate sentence	reportable payments	reportable amounts
1.1441-1(e)(5)(v)(A), third sentence	the intermediary	the qualified intermediary
1.1441-1(e)(5)(v)(A), fourth sentence	the intermediary to	the qualified intermediary to

1.1441-1(e)(5)(v)(B), introductory text, third sentence	paragraph (b)(3)(vi)	paragraph (e)(3)(vi)
1.1441-1(e)(5)(v)(B)(1), second sentence	withholding agent	qualified intermediary
1.1441-1(e)(5)(v)(C), first sentence	The intermediary	The qualified intermediary
1.1441-2(a), last sentence	871(h)(5)(B)	871(h)(5)(B) or a member of a clearing organization which member is the benefi- cial owner of the obligation
1.1441-2(b)(1)(ii), fifth sentence	someone s	someone's
1.1441-2(b)(3)(iv)	December 31, 1998	December 31, 1999
1.1441-2(f)	December 31, 1998	December 31, 1999
1.1441-3(h)	December 31, 1998	December 31, 1999
1.1441-4(a)(2)(i), second sentence	United States	United States and is includable in the beneficial owner's gross income for the taxable year
1.1441-5(a)(6), second sentence	withholding partnership	withholding foreign partnership
1.1441-5(c)(2)(ii)(B), sixth sentence	qualified intermediary	withholding foreign partnership
1.1441-5(c)(2)(ii)(B), sixth sentence	customers	partners
1.1441-5(c)(3)(iii)(D)	that the partners	that the amounts allocable to the partners
1.1441-5(d)(4), <i>Example 2</i> , second sentence	depending of	depending on
1.1441-6(b)(1), first sentence	§ 1.1441-1(e)(1)(ii)(B)	§ 1.1441-1(e)(1)(ii)(A)(2)
1.1441-6(c)(2)(ii), first sentence	upon a certificate	upon receipt of a certificate
1.1441-6(d), second sentence	rate of tax	rate of withholding
1.1441-7(g)	December 31, 1998	December 31, 1999
1.1461-1(b)(2)(v)	foreign partnership shall	foreign partnership (whether or not a withholding foreign partnership) shall
1.1461-1(b)(2)(vi), paragraph heading	<i>banks, securities dealers, or insurance companies.</i>	<i>banks, or insurance companies.</i>

1.1461-1(c)(4)(iv), first sentence	certificate attached to the intermediary's or partnership withholding certificate that is from a qualified intermediary or a withholding foreign partnership	certificate or documentary evidence attached to the intermediary's or partnership withholding certificate
1.1461-1(i)	December 31, 1998	December 31, 1999
1.1461-2(a)(1), third sentence	an adjustment to	a refund of
1.1461-2(a)(3), first sentence	beneficial owner	beneficial owner or payee
1.1461-2(a)(4), <i>Example 1</i> (i), second sentence	December 1999	December 2000
1.1461-2(a)(4), <i>Example 1</i> (i), third sentence	February 10, 2000	February 10, 2001
1.1461-2(a)(4), <i>Example 1</i> (ii), first, second, and last sentences	1999	2000
1.1461-2(a)(4), <i>Example 1</i> (ii), first sentence	March 15, 2000	March 15, 2001
1.1461-2(a)(4), <i>Example 1</i> (ii), third sentence	2000	2001
1.1461-2(a)(4), <i>Example 2</i> second and last sentences	2000	2001
1.1461-2(a)(4), <i>Example 2</i> , second sentence	June 2000	June 2001
1.1461-2(a)(4), <i>Example 2</i> , third sentence	July 15, 2000	July 15, 2001
1.1461-2(a)(4), <i>Example 2</i> , third sentence	1999	2000
1.1461-2(a)(4), <i>Example 2</i> , last sentence	March 15, 2001	March 15, 2002
1.1461-2(a)(4), <i>Example 3</i> , last sentence	February 15, 2000	February 15, 2001
1.1461-2(a)(4), <i>Example 3</i> , last sentence	March 15, 2000	March 15, 2001
1.1461-2(d)	December 31, 1998	December 31, 1999
1.1462-1(c)	December 31, 1998	December 31, 1999
1.1463-1(a), last sentence	§1.1441-7(b)(7)	§1.1441-7(b)
1.1463-1(b)	December 31, 1989	December 31, 1999

1.1464-1(b)	§1.1461-4	§1.1461-2
1.6041-4(d)	December 31, 1998	December 31, 1999
1.6041A-1(d)(3)(i)(B), first sentence	if payments made	if payments are made
1.6041A-1(d)(3)(iv), paragraph heading	amount paid	amounts paid
1.6041A-1(d)(3)(v)	December 31, 1998	December 31, 1999
1.6043-2(a), first, second, and last sentences	966	1099
1.6045-1(d)(6)(ii)(B)	December 31, 1998	December 31, 1999
1.6045-1(g)(3)(iv), second sentence	<i>Example 7</i>	<i>Example 6</i>
1.6045-1(g)(4), <i>Example 7</i> (ii), last sentence	Y s	Y's
1.6049-4(c)(1)(ii)(A), second sentence	certificate meeting the certification requirements of paragraphs (c)(2)(ii)(A) (1) through (5) of this section.	certificate stating that each member of the partnership meets the requirements of paragraphs (c)(1)(ii)(A)(1) through (4) of this section.
1.6049-4(d)(3)(ii)(B)	December 31, 1998	December 31, 1999
1.6049-5(b)(12), first sentence	Returns of information are not required for payments that	Payments that
1.6049-5(c)(4)(i), first sentence	the payor may	the bank or other financial institution may
1.6049-5(c)(4)(ii), second sentence	then the financial institution	then the bank or other financial institution
1.6049-5(c)(4)(v)	January 1, 1999	January 1, 2000
1.6049-5(d)(2)(ii), second and last sentences	publicly traded	actively traded
1.6049-5(d)(2)(ii), eighth sentence	is less than 31	is equal to or less than 31
1.6049-5(e)(1)(i), introductory text	The amount	An amount is described in this paragraph (e)(1)(i) if it
1.6049-5(e)(1)(ii)	The amount	An amount is described in this paragraph (e)(1)(ii) if it
1.6049-5(e)(4), second sentence	specifically identifies	specifically identify
1.6049-5(e)(5), <i>Example 5</i> , last sentence	of is section	of this section

1.6049-5(e)(5), <i>Example 9</i> , second sentence	a holds	A holds
1.6049-5(e)(5), <i>Example 9</i> , third sentence	paid to a	paid to A
1.6049-5(e)(5), <i>Example 9</i> , third sentence	a's	A's
1.6049-5(e)(5), <i>Example 9</i> , last sentence	to a by DB	to A by DB
1.6050N-1(e), first sentence	is applies to	applies to
1.6050N-1(e), last sentence	December 31, 1998	December 31, 1999
31.3401(a)(6)-1(e), paragraph heading	January 1, 1999	January 1, 2000
31.3401(a)(6)-1(e), first sentence	January 1, 1999	January 1, 2000
31.3401(a)(6)-1(f), paragraph heading	December 31, 1998	December 31, 1999
31.3401(a)(6)-1(f), first sentence	December 31, 1998	December 31, 1999
31.3406(g)-1(e), first sentence	December 31, 1998	December 31, 1999
31.3406(h)-2(d), penultimate sentence	December 31, 1998	December 31, 1999
31.9999-0	January 1, 1999	January 1, 2000
301.6114-1(b)(4)(ii)(C), introductory text	December 31, 1998	December 31, 1999
301.6114-1(b)(4)(ii)(D)	December 31, 1998	December 31, 1999
301.6724-1(g)(2) Q-11	January 1, 1999	January 1, 2000
301.6724-1(g)(2) Q-11	April 1, 1997	April 1, 1998
301.6724-1(g)(2) A-11	January 1, 1999	January 1, 2000
301.6724-1(g)(2) A-11	April 1, 1997	April 1, 1998
301.6724-1(g)(3), first sentence	December 31, 1998	December 31, 1999
301.6724-1(g)(3), last sentence in both places	January 1, 1999	January 1, 2000
301.6724-1(g)(3), last sentence	April 1, 1997	April 1, 1998

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Approved January 7, 1998.

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(Filed by the Office of the Federal Register on December 30, 1998, 8:45 a.m., and published in the issue of the Federal Register for December 31, 1998, 63 F.R. 72183)