

MEMO# 27467

August 15, 2013

IRS and Treasury Release 2013-2014 Priority Guidance Plan

[27467]

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TO: 529 PLAN MEMBERS No. 7-13

ACCOUNTING/TREASURERS MEMBERS No. 22-13

INTERNATIONAL MEMBERS No. 35-13

PENSION MEMBERS No. 37-13

TAX MEMBERS No. 27-13

TRANSFER AGENT ADVISORY COMMITTEE No. 60-13 RE: IRS AND TREASURY RELEASE
2013-2014 PRIORITY GUIDANCE PLAN

The IRS and Treasury Department have released their 2013-2014 Priority Guidance Plan listing their priorities for tax regulations and other administrative guidance through June 2014. [\[1\]](#) We are pleased to report that the following projects requested by the Institute [\[2\]](#) have been or continue to be included on the plan:

Items of Interest to Funds and Fund Shareholders

- Guidance under the RIC Mod act of 2010, including a Notice updating Notice 97-64 to reflect changes to §852 by the Regulated Investment Company Modernization Act of 2010.
- Notice requesting comments on a proposed revenue procedure that describes the circumstances in which the Internal Revenue Service will not treat a redemption of shares in a money market fund as part of a wash sale under §1091. (Published 07/29/13)
- Regulations revising the RIC asset test examples in §1.851-5.
- Regulations under §7701 to coordinate the entity classification election with the regulated investment company (RIC) election.
- Regulations relating to accruals of interest (including discount) on distressed debt, including a Revenue Procedure that will modify Revenue Procedure 2011-16 relating to the treatment of distressed debt under §856.
- Regulations under §446 on notional principal contracts (NPC) relating to the inclusion in income or deduction of a contingent nonperiodic payment and guidance relating to the character of payments made pursuant to an NPC.
- Regulations on prepaid forward contracts.
- Final regulations on the application of §1256 to certain derivative contracts.
- Final regulations under §368 on measuring continuity of interest in corporate

reorganizations.

- Final regulations under §382 regarding the application of the segregation rules to small shareholders.
- Final regulations under §337(d) related to RICs.
- Final regulations providing guidance under §171 for a bond premium carryforward on certain debt instruments, such as a Treasury bill acquired at a premium.
- Final regulations on the application of §1256 to certain derivative contracts.
- Final regulations providing guidance under §6049 for the reporting of premium.
- Regulations under §1012 regarding basis rules for stock and debt.

Retirement Savings Items

- Guidance under §402(c) on distributions that are disbursed to multiple destinations.
- Guidance under §402A on in-plan rollovers from qualified plans to designated Roth accounts under §902 of American Taxpayer Relief Act of 2012 (ATRA).
- Regulations under §411(a)(11).

The 2013-2014 Priority Guidance Plan also includes numerous other projects that relate to funds, fund shareholders, and retirement savings. These projects include:

Items of Interest to Funds and Fund Shareholders

- Guidance under §141 relating to private activity bonds.
- Final regulations on public approval requirements for private activity bonds under §147(f).
- Final regulations addressing when a transfer or assignment of certain derivative contracts does not result in an exchange to the nonassigning counterparty for purposes of §1.1001-1(a).
- Guidance updating existing regulations regarding basis to include references to §1022 as appropriate.
- Final regulations under §1411, as added by §1402 of the Health Care and Education Reconciliation Act, regarding net investment income tax.
- Final regulations under §7701 regarding Series LLCs and cell companies.
- Guidance under §954(c), including guidance related to the treatment of transactions involving commodities and nonfunctional currency.
- Final regulations on the treatment of upfront payments on swaps under §956.
- Guidance under §905, including final regulations under §905(c) on foreign tax redeterminations.
- Guidance under §894 on issues under income tax treaties, including the application of various treaty provisions to payments through hybrid entities.
- Guidance updating Revenue Procedure 2006-54 on procedures for taxpayers requesting Competent Authority assistance.
- Miscellaneous Announcements, e.g., on agreements under Mutual Agreement Procedures (MAP) and of Reciprocal Exemption Agreements.

Retirement Savings Items

- Regulations on exceptions to additional tax under §72(t) on early distributions from retirement plans and IRAs.
- Revenue Procedure under §§401(a) and 403(a) updating interim amendment procedures in Revenue Procedure 2007-44.
- Revenue Procedure under §§401(a) and 403(a) updating Revenue Procedure 2007-44 for determination letters for individually designed and pre-approved plans.

- Final regulations under §401(a)(9) on deferred annuities.
- Final regulations on suspension or reduction of safe harbor contributions under §401(k) and (m).
- Regulations under §402A on distributions from designated Roth accounts that are disbursed to multiple destinations.
- Guidance on rules applicable to IRAs under §§408 and 408A.
- Guidance updating regulations for service credit and vesting under §411.
- Regulations on the definition of governmental plan under §414(d).
- Regulations on eligible combined plans under §414(x), as added by the Pension Protection Act of 2006.
- Guidance under §3405 regarding distributions made to payees with an address outside the United States.
- Guidance concerning §4975.
- Guidance under §§6057, 6058, and 6059 for late filers of Form 5500 series.
- Regulations under §§6057, 6058, and 6059 regarding electronic filing of Form 5500.
- Guidance on group trusts under Revenue Rulings 81-100 and 2011-1.
- Guidance facilitating rollovers into retirement plans.
- Additional guidance on issues relating to lifetime income from retirement plans.
- Guidance on certain issues related to multiple employer plans.
- Revenue Procedure amending Revenue Procedure 2013-12 relating to Employee Plans Compliance Resolution System to provide guidance with regard to certain corrections.

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endnotes

[1] The 2013-2014 Priority Guidance Plan is available at:
http://www.irs.gov/pub/irs-utl/2013-2014_pgp.pdf.

[2] See Institute Memorandum [27212](#) for Tax items and Institute Memorandum [27210](#) for Retirement Plan items.

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