

MEMO# 27818

January 6, 2014

ICI Comment Letter on Form W-9 Submitted to IRS

[27818]

January 6, 2014

TO: TAX MEMBERS No. 1-14
TRANSFER AGENT ADVISORY COMMITTEE No. 1-14
BROKER/DEALER ADVISORY COMMITTEE No. 1-14
TAAC FATCA TASK FORCE No. 1-14 RE: ICI COMMENT LETTER ON FORM W-9 SUBMITTED TO
IRS

On January 6, the ICI and the American Council of Life Insurers (“ACLI”) filed the attached comment letter with the IRS. Our letter requests guidance and changes regarding the Form W-9 that was updated in August 2013. The letter requests that the IRS address issues that otherwise arise when Form W-9 (or its substitute) is requested by a U.S. withholding agent.

Our concerns are twofold. First, insufficient time has been provided to make the operational changes necessary to obtain certifications on these new forms. We request a six-month transition period for documents that must be updated to include FATCA-specific certifications. We suggest that a transition period should end on the later of July 1, 2014 (the effective date for FATCA withholding) or six months after the date of the notice in which such transition period is announced. Second, the changes required are inapplicable to accounts opened in the United States and, consequently, will lead to substantial confusion for investors not subject to FATCA. The letter requests that (1) the Instructions to the Requester of Form W-9 be amended to clarify that the new FATCA certification does not need to be included on substitute Form W-9s being obtained for U.S. accounts and (2) Form W-9 be bifurcated into two forms so that FATCA certifications are only required in the limited circumstance that the form is provided to non-U.S. withholding agents.

Ryan Lovin
Assistant Counsel – Tax Law

[Attachment](#)

Copyright © by the Investment Company Institute. All rights reserved. Information may be abridged and therefore incomplete. Communications from the Institute do not constitute, and should not be considered a substitute for, legal advice.