

MEMO# 15135

September 6, 2002

IRS TO ISSUE FINAL REGULATIONS PERMITTING ELECTRONIC DELIVERY OF TAX INFORMATION RETURNS AS AUTHORIZED BY THE JOB CREATION AND WORKER ASSISTANCE ACT OF 2002

[15135] September 6, 2002 TO: ACCOUNTING/TREASURERS COMMITTEE No. 43-02 BROKER/DEALER ADVISORY COMMITTEE No. 39-02 PENSION MEMBERS No. 43-02 PENSION OPERATIONS ADVISORY COMMITTEE No. 61-02 TAX MEMBERS No. 40-02 TRANSFER AGENT ADVISORY COMMITTEE No. 82-02 RE: IRS TO ISSUE FINAL REGULATIONS PERMITTING ELECTRONIC DELIVERY OF TAX INFORMATION RETURNS AS AUTHORIZED BY THE JOB CREATION AND WORKER ASSISTANCE ACT OF 2002 On February 14, 2001, the IRS issued temporary and proposed regulations authorizing electronic delivery of Forms W-2 (Wage and Tax Statements), Forms 1098-T (Tuition Payment Statements) and Forms 1098-E (Student Loan Interest Statements) (the "Electronic Payee Statement" or "EPS" regulations). As explained in the attached notice, the IRS could not authorize the electronic delivery of all payee statements in the EPS regulations due to statutory paper delivery requirements. Section 401 of the Job Creation and Worker Assistance Act of 2002 (the "Act") removed the paper delivery impediment for all payee statements required by Code sections 6041 through 6050T, including IRS Forms 1099-DIV and 1099-INT.¹ The IRS Office of Chief Counsel announced that it intends to implement this statutory change in the final EPS regulations. According to the notice, the final EPS regulations will allow a payee's statement to be furnished electronically only if the payee consents to the electronic format and waives paper delivery. Deanna J. Flores Associate Counsel Attachment (in .pdf format) Note: Not all recipients receive the attachment. To obtain a copy of the attachment, please visit our members website (<http://members.ici.org>) and search for memo 15135, or call the ICI Library at (202) 326-8304 and request the attachment for memo 15135. ¹ See Institute Memorandum to Tax Members No. 12-02, Accounting/Treasurers Committee No. 11-02, Transfer Agent Advisory Committee No. 22-02, Pension Members No. 10-02 and Pension Operations Advisory Committee No. 16-02, dated March 19, 2002.