

process to determine that the requirements of section 1031 are satisfied. In the case of a deferred like-kind exchange, the withholding agent is excused from reporting and paying the withholding tax to the IRS within 20 days after the transfer only if an application for a withholding certificate is submitted prior to or on the date of transfer. See § 1.1445-1(c)(2) for rules concerning delayed reporting and payment where an application for a withholding certificate has been submitted to the IRS prior to or on the date of transfer.

(h) *Effective date for taxpayer identification numbers.* The requirement in paragraphs (b)(2), (f)(3)(i), and (g)(1) of this section that taxpayer identification numbers be provided (in all cases) is applicable for dispositions of U.S. real property interests occurring after November 3, 2003.

#### § 1.1445-4 [Amended]

■ 11. In § 1.1445-4, paragraph (c)(2), second sentence, is amended by removing the language “Assistant Commissioner (International)” and adding “Director, Philadelphia Service Center” in its place.

■ 12. Section 1.1445-5 is amended as follows:

■ 1. In paragraph (b)(2)(ii), first sentence, remove the language “Assistant Commissioner (International)” and add “Director, Philadelphia Service Center” in its place.

■ 2. In paragraphs (b)(2)(ii)(B) and (b)(2)(ii)(C), remove the parenthetical “(if any)” after the words “identifying number”.

■ 3. In paragraph (b)(5)(i), second sentence, remove the language “filed with the Internal Revenue Service Center, Philadelphia, PA 19255” and add in its place the language “filed at the location as provided in the instructions to Forms 8288 and 8288-A”.

■ 4. In paragraph (b)(5)(i), the fifth sentence is revised.

■ 5. In paragraph (b)(7), the fifth sentence is revised.

■ 6. Paragraph (b)(8)(iii) is revised.

■ 7. In paragraph (c)(3)(v), first and fifth sentences, remove the language “Assistant Commissioner (International)” and add “Director, Philadelphia Service Center” in its place.

■ 8. Paragraph (e)(1)(ii) is revised.

■ 9. Paragraph (e)(2) is redesignated as paragraph (e)(3), and new paragraph (e)(2) is added.

■ 10. In newly designated paragraph (e)(3)(iii)(B), remove the language

“§ 1.1445-5(e)(2)(iii)(B)” and add “§ 1.1445-5(e)(3)(iii)(B)” in its place; and remove the language “paragraph (e)(2)(iii)(B)” and add “paragraph (e)(3)(iii)(B)” in its place.

■ 11. Paragraph (h) is added.

The revisions and additions read as follows:

#### § 1.1445-5 Special rules concerning distributions and other transactions by corporations, partnerships, trusts and estates.

\* \* \* \* \*

(b) \* \* \*

(5) \* \* \*

(i) \* \* \* Form 8288-A will be stamped by the Internal Revenue Service to show receipt, and a stamped copy will be mailed by the Service to the interest holder if the Form 8288 is complete, including the transferor's identifying number, at the address shown on the form, for the interest-holder's use. \* \* \*

(7) \* \* \* Such an interest-holder must attach to its return a statement which supplies all of the information required by § 1.1445-1(d)(2). \* \* \*

(8) \* \* \*

(iii) *Distributions by certain domestic corporations to foreign shareholders.* The provisions of section 1445(e)(3) and paragraph (e)(1) of this section, requiring withholding upon distributions in redemption of stock under section 302(a) or liquidating distributions under Part II of subchapter C of the Internal Revenue Code by U.S. real property holding corporations to foreign shareholders, shall apply to distributions made on or after January 1, 1985. The provisions of section 1445(e)(3) and paragraph (e)(1) of this section requiring withholding on distributions under section 301 by U.S. real property holding corporations to foreign shareholders shall apply to distributions made after August 20, 1996. The provisions of paragraph (e) of this section providing for the coordination of withholding between sections 1445 and 1441 (or 1442 or 1443) for distributions under section 301 by U.S. real property holding corporations to foreign shareholders apply to distributions after December 31, 2000 (see § 1.1441-3(c)(4) and (h)).

\* \* \* \* \*

(e) \* \* \* (1) \* \* \*

(ii) There is a distribution of property in redemption of stock treated as an exchange under section 302(a), in liquidation of the corporation pursuant to the provisions of Part II of subchapter C of the Internal Revenue Code (sections 331 through section 346), or with respect to stock under section 301 that

is not made out of earnings and profits of the corporation.

(2) *Coordination rules for Section 301 distributions.* If a domestic corporation makes a distribution of property under section 301 to a foreign person whose interest in such corporation constitutes a U.S. real property interest under the provisions of section 897 and the regulations thereunder, then see § 1.1441-3(c)(4) for rules coordinating withholding obligations under sections 1445 and 1441 (or 1442 or 1443)).

\* \* \* \* \*

(h) *Effective date for taxpayer identification numbers.* The requirement in paragraphs (b)(2)(ii)(B) and (C) of this section that taxpayer identification numbers be provided (in all cases) is applicable for dispositions of U.S. real property interests occurring after November 3, 2003.

\* \* \* \* \*

■ 13. Section 1.1445-6 is amended as follows:

■ 1. The section heading is revised.

■ 2. In paragraph (a), after the seventh sentence, one sentence is added.

■ 3. Paragraph (b)(3) is revised.

■ 4. For each of the paragraphs listed in the column below, remove the language “Assistant Commissioner (International)” and add “Director, Philadelphia Service Center” in its place.

#### Paragraphs

(f)(1), first sentence

(f)(2)(iii), heading

(f)(2)(iii)

(g), introductory text, second sentence

■ 5. Paragraphs (f)(3)(i) and (g)(1) are amended by removing the parenthetical “(if any)” after the words “identifying number”.

■ 6. Paragraph (h) is added.

The revision and additions read as follows:

#### § 1.1445-6 Adjustments pursuant to withholding certificate of amount required to be withheld under section 1445(e).

\* \* \* \* \*

(a) \* \* \* In no event, however, will a withholding certificate be issued without the transferor's identifying number. \* \* \*

(b) \* \* \*

(3) *Relevant taxpayers.* An application for withholding certificate pursuant to this section must include all of the following information: the name, identifying number, and home address (in the case of an individual) or office address (in the case of an entity) of each relevant taxpayer with respect to which adjusted withholding is sought.

\* \* \* \* \*