

employee of the United States for a purpose or to an extent not authorized by paragraph (a) of this section may also result in an award of civil damages against that person in an amount not less than \$1,000 for each act of unauthorized inspection or disclosure, or the sum of actual damages sustained by the plaintiff as a result of the unauthorized inspection or disclosure plus, in the case of a willful inspection or disclosure or an inspection or disclosure that is the result of gross negligence, punitive damages. In addition, costs and reasonable attorneys fees may be awarded; and

(5) A conviction for an offense referenced in paragraph (c)(2) or (3) of this section shall, in addition to any other punishment, result in dismissal from office or discharge from employment if the person convicted is an officer or employee of the United States.

(e) *Safeguards.* (1) Any person, or agent or subcontractor of the person, who may receive returns or return information under paragraph (a) of this section, shall agree, before disclosure of any returns or return information to the person, agent, or subcontractor, to permit an inspection by the IRS of his, her, or its site or facilities.

(2) Any person, or officer, employee, agent or subcontractor of the person, or officer or employee of the agent or subcontractor, who receives returns or return information under paragraph (a) of this section, shall comply with all applicable conditions and requirements as the IRS may prescribe from time to time (prescribed requirements) for the purposes of protecting the confidentiality of returns and return information and preventing disclosures or inspections of returns or return information in a manner not authorized by this section.

(3) The terms of any written contract or agreement for the acquisition of property or services as described in paragraph (a) of this section shall provide, or shall be amended to provide, that any person, or officer, employee, agent or subcontractor of the person, or officer or employee of the agent or subcontractor, who receives returns or return information under paragraph (a) of this section, shall comply with the prescribed requirements. Any contract or agreement shall be made available to the IRS before execution of the contract or agreement. For purposes of this paragraph (e)(3), a written contract or agreement shall include any contract or agreement between a person and an agent or subcontractor of the person to provide the property or services

described in paragraph (a) of this section.

(4) If the IRS determines that any person, or officer, employee, agent or subcontractor of the person, or officer or employee of the agent or subcontractor, who receives returns or return information under paragraph (a) of this section, has failed to, or does not, satisfy the prescribed requirements, the IRS may take any actions it deems necessary to ensure that the prescribed requirements are or will be satisfied, including—

(i) Suspension of further disclosures of returns or return information by the IRS to the State tax agency, the Social Security Administration, or the Department of Justice, until the IRS determines that the conditions and requirements have been or will be satisfied;

(ii) Suspension of further disclosures by the Treasury Department otherwise authorized by paragraph (a) of this section; and

(iii) Suspension or termination of any duty or obligation arising under a contract or agreement with the Treasury Department.

(f) *Definitions.* For purposes of this section—

(1) The term *Treasury Department* includes the IRS, the Office of the Chief Counsel for the IRS, and the Office of the Treasury Inspector General for Tax Administration;

(2) The term *State tax agency* means an agency, body, or commission described in section 6103(d); and

(3) The term *Department of Justice* includes offices of the United States Attorneys.

(g) *Effective date.* This section is applicable on or after the date final regulations are published in the **Federal Register**.

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

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**PENSION BENEFIT GUARANTY CORPORATION**

**29 CFR Parts 4000 and 4010**

**RIN 1212-AB01**

**Electronic filing—Annual Financial and Actuarial Information; Correction**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects inadvertent errors in two instructions in

the regulatory text of a proposed rule published in the **Federal Register** on December 28, 2004 (69 FR 77679), regarding electronic filing of financial and actuarial information.

**FOR FURTHER INFORMATION CONTACT:**

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**Correction**

In proposed rule FR doc 04-28398, beginning on page 77679 in the issue of December 28, 2004, make the following corrections to the regulatory text:

1. On page 77682, column 3, in the first line of instruction 4, correct “\$ 4000.24” to read “4000.23” and, in the 8th line of instruction 4, correct “\$ 4000.24 *What if I mail my submission or issuance using the U.S. Postal Service?*” to read “\$ 4000.23 *When is my submission or issuance treated as filed or issued?*”.

2. On Page 77683, column 1, in the first line, correct paragraph (b)(3) of § 4000.23 to read as follows:

(b) \* \* \*

(3) \* \* \* A submission made through our Web site is considered to have been received when we receive an electronic signal that you have performed the last act necessary to indicate that your submission is filed and cannot be further edited or withdrawn.

\* \* \* \* \*

3. On page 77684, column 3, in the 13th line of instruction 13, correct paragraph (b)(2) of § 4010.9 to read as follows:

\* \* \* \* \*

(b) \* \* \*

(2) For each controlled group member included in the consolidated financial statements (other than an exempt entity), the member’s revenues and operating income for the information year, and net assets at the end of the information year.

\* \* \* \* \*

Issued in Washington, DC, this 7th day of January, 2005.

**Stuart A. Sirkin,**

*Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.*

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