

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[TD 9909]

RIN 1545-BP35

**Limitation on Deduction for Dividends Received From Certain Foreign Corporations and Amounts Eligible for Section 954 Look-Through Exception; Correcting Amendment**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final regulations (Treasury Decision 9909) that were published in the **Federal Register** on Thursday, August 27, 2020. Treasury Decision 9909 contained final regulations under sections 245A and 954 of the Internal Revenue Code (the “Code”) that limit the deduction for certain dividends received by United States persons from foreign corporations under section 245A and the exception to subpart F income under section 954(c)(6) for certain dividends received by controlled foreign corporations.

**DATES:** These corrections are effective on November 13, 2020.

**FOR FURTHER INFORMATION CONTACT:** Arielle M. Borsos or Logan M. Kincheloe at (202) 317-6937 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations (TD 9909) that are the subject of this correction are issued under sections 245A, 954(c)(6), and 6038 of the Internal Revenue Code.

**Need for Correction**

As published on August 27, 2020 (85 FR 53068), the final regulations (TD 9909; FR Doc. 2020-18543) contain errors that need to be corrected.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Correction of Publication**

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

**PART 1—INCOME TAXES**

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 \* \* \*

■ **Par. 2.** Section 1.245A-5 is amended by:

- a. Adding a sentence after the first sentence of paragraph (e)(3)(i)(A); and
- b. Revising paragraphs (i)(8) and (9) and the first sentence of paragraph (j)(10)(ii).

The addition and revisions read as follows:

**§ 1.245A-5 Limitation of section 245A deduction and section 954(c)(6) exception.**

\* \* \* \* \*

(e) \* \* \*

(3) \* \* \*

(i) \* \* \*

(A) \* \* \* Because the determination as to whether there would be an extraordinary reduction amount or tiered extraordinary reduction amount greater than zero is made without regard to this paragraph (e)(3)(i), this determination is made without taking into account any elections that may be available, or other events that may occur, solely by reason of an election described in this paragraph (e)(3)(i), such as the application of section 954(b)(4) to a short taxable year created as a result of the election. \* \* \*

\* \* \* \* \*

(i) \* \* \*

(8) *Extraordinary disposition E&P.* The term *extraordinary disposition E&P* has the meaning set forth in paragraph (c)(3)(i)(C) of this section.

(9) *Extraordinary disposition ownership percentage.* The term *extraordinary disposition ownership percentage* has the meaning set forth in paragraph (c)(3)(i)(B) of this section.

\* \* \* \* \*

(j) \* \* \*

(10) \* \* \*

(ii) \* \* \* Because the loan from CFC1 to CFC2 and the subsequent distribution of cash were carried out with a principal purpose of avoiding the purposes of this section, appropriate adjustments are required to be made under the anti-abuse rule in paragraph (h) of this section. \* \* \*

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**BILLING CODE 4830-01-P**

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**29 CFR Part 2201**

**Regulations Implementing the Freedom of Information Act**

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Final rule.

**SUMMARY:** The Occupational Safety and Health Review Commission (OSHRC) is amending its regulations implementing the Freedom of Information Act (FOIA). The amendments to the FOIA regulations concern minor issues that have arisen since the regulations were last revised in 2016.

**DATES:** Effective November 13, 2020.

**FOR FURTHER INFORMATION CONTACT:** Ron Bailey, Attorney Advisor, Office of General Counsel, by telephone at (202) 606-5410 or by email at [rb Bailey@oshrc.gov](mailto:rb Bailey@oshrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Revisions to Part 2201**

OSHRC’s regulations implementing FOIA, 29 CFR part 2201, were last revised on December 27, 2016, 81 FR 95035. OSHRC is making several minor revisions to these regulations.

In 29 CFR 2201.5, OSHRC is revising the reference to its Privacy Act regulation—from § 2400.6 to § 2400.4—based on the re-designation of section numbers in 29 CFR part 2400, 85 FR 65221.

In 29 CFR 2201.6(a)(1), the regulation presently states that the 20-day period for granting or denying a FOIA request can be tolled under two different circumstances: “(1) The agency may toll the 20-day period once while awaiting information that it has reasonably requested from the requester under this section . . . ; or (2) The agency may toll the 20-day period as many times as are necessary to clarify any issue regarding fee assessment.” OSHRC is revising the word “or” to “and,” because guidance from the Department of Justice’s Office of Information Policy (OIP) indicates that tolling under one circumstance does not preclude the agency from subsequently tolling based on the other circumstance. This guidance, from November 18, 2008, is available at <https://www.justice.gov/oip/oip-guidance>.

In 29 CFR 2201.8(e), the third sentence of that paragraph states: “In cases in which a requester has been notified that actual or estimated fees amount to more than \$25, the request shall not be considered received and further work shall not be done on it