Public Information Collection Requirements Submitted to OMB for Review

Date: June 28, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement[s] to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub.L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

**Internal Revenue Service**

OMB number: 1545-0162.
Form number: 4136.
Type of review: Resubmission.
Title: Computation of Credit for Federal Tax on Gasoline and Special Fuels.

Description: Internal Revenue Code Section 39 requires information in order to claim a credit for Federal excise tax on certain gasoline and special fuels used. This form is used to figure the amount of credit. Data is used to verify the validity of the claims of business entities that use gasoline and special fuels for off-highway use.

Respondents: Individuals or households. Farms, Businesses, Federal agencies or employees. Estimated burden: 155,107 hours.

OMB number: 1545-0992.
Form number: 964-A.
Type of review: Resubmission.
Title: Computation of Gain or Loss Recognized on Section 333 Liquidation.

Description: Form 964-A is used by corporations who wish to liquidate under section 333. In order to qualify, the corporation must have an applicable value of $10,000,000 or less. If the corporation qualifies, Form 964-A is used to determine the amount of gain or loss the corporation must include as income on its final tax return. The IRS uses the information to determine if the corporation qualifies and if so the amount of income that must be included.

Respondents: Businesses. Estimated burden: 5,737 hours.

Clearance officer: Garrick Shear (202) 568-6150, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB reviewer: Milo Sunderhauf (202) 305-6680, Office of Management and Budget, Room 3206, New Executive Office Building, Washington, DC 20503.

**Department of the Secretary**

**Boycott Provisions (Section 999) of the Internal Revenue Code; Additional Boycott Guideline**

**AGENCY:** Office of the Secretary, Treasury.

**ACTION:** Notice of Additional Guideline.

**SUMMARY:** Section 999 of the Internal Revenue Code denies certain tax benefits to taxpayers who participate in or cooperate with international boycotts, other than boycotts which are sanctioned by U.S. law. The Treasury Department today issued an additional guideline which states that certain prohibitions which are part of government procurement boycotts taken pursuant to Commonwealth initiatives against South Africa are sanctioned by U.S. law. Thus, participation in or cooperation with those prohibitions does not give rise to penalties under section 999.

**FOR FURTHER INFORMATION CONTACT:** David D. Joy, Office of the General Counsel, Department of the Treasury, 15th and Pennsylvania Avenue NW., Washington DC 20220, (202-566-5569, not a toll-free call).

**SUPPLEMENTARY INFORMATION:** This document contains an additional guideline relating to the Department of the Treasury's enforcement of section 999 of the Internal Revenue Code. Section 999 incorporates provisions of the Tax Reform Act of 1976 (90 Stat. 1649-54), specifically sections 1061-1064 (known as the "Ribicoff Amendment"), which deny certain tax benefits for participation in or cooperation with international boycotts. Published guidelines which are still in effect today are found at 49 FR 18061 (April 26, 1984), 44 FR 66272 (November 19, 1979), and 43 FR 3454 (January 25, 1978).

Executive Order 12291

The Department of the Treasury has determined that this guideline is not a major rule as defined in Executive Order 12291, and that a Regulatory Impact Analysis is therefore not required.

**Analysis**

This guideline responds to questions concerning certain prohibitions which are part of the Australian and Canadian Government procurement boycotts of South Africa. These prohibitions were imposed pursuant to Commonwealth initiatives taken against South Africa in October 1985 and August 1988, and consist of prohibitions of government contracts with companies majority (51%) owned by South Africans.
Treasury decided to publish this guideline in order to remove any confusion over whether the exception for boycotts sanctioned by U.S. law, found in section 996(b)(4)(A), covered these prohibitions. A provision of U.S. law, section 314 of the Comprehensive Anti-Apartheid Act of 1986, is similar to these prohibitions. U.S. law therefore sanctions participation in or cooperation with these prohibitions.

Drafting Information

The principal author of this guideline is David Joy of the Office of the General Counsel, Department of the Treasury.

The Guidelines are amended as follows:

P. Boycotts Sanctioned By U.S. Law

P-1 Q: Pursuant to the Commonwealth boycott of South Africa, the government of a Commonwealth country, or an entity owned or controlled by such a government, refuses to purchase goods and services of South African origin. Tender documents issued by such government or entity specifically require the successful contractor, in carrying out the contract, to agree (1) to observe the government's policy of not purchasing goods and services from entities which are majority (51%) owned by South Africans and/or (2) not to enter into a subcontract with an entity which is majority (51%) owned by South Africans. Company C agrees to either, or both, of these prohibitions. Does Company C's action constitute participation in or cooperation with an international boycott under section 996(b)(3)(A)(i)?

A: No. Company C's action comes within the exemption under section 996(b)(4)(A) and does not constitute an agreement to refrain from doing business with a person described in section 996(b)(3)(A)(i). Section 314 of the Comprehensive Anti-Apartheid Act of 1986, Pub. L. 99-440, prohibits U.S. Government agencies from procuring goods or services from South African parastatal organizations. As this provision is similar to the procurement prohibitions described above, U.S. law sanctions participation in or cooperation with those prohibitions.


J. Roger Mentz.
Assistant Secretary for Tax Policy.

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Appendix I of Title 5 of the United States Code, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on July 29 and July 30, 1987 of the following debt management advisory committee:


Pursuant to the authority placed in heads of departments by section 10(d) of Appendix I of Title 5 of the United States Code and vested in me by Treasury Department Order 101-05, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Appendix I of Title 5 of the United States Code. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by section 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.


Charles O. Sethness,
Assistant Secretary (Domestic Finance).

Fiscal Service

[Dept. Cir. 570, 1986 Rev., Supp. No. 23]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Coronet Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Coronet Insurance Company, under the United States Code, Title 31, Sections 3904–3908, to qualify as an acceptable surety on Federal bonds is terminated effective this date.

The Company was last listed as an acceptable surety on Federal bonds at 51 FR 23932, July 1, 1986.

With respect to any bonds currently in force with Coronet Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the Company. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20226, telephone (202) 634-2214.


Mitchell A. Levine,
Assistant Commissioner, Comptroller, Financial Management Service.