



# Instructions for Form 1120-L

## U.S. Life Insurance Company Income Tax Return

Section references are to the Internal Revenue Code, unless otherwise noted.

### Changes To Note

The Taxpayer Relief Act of 1997 ("The Act") made changes to the tax law for corporations. Some of the changes are discussed below.

- For tax years beginning after December 31, 1997, corporations may be entitled to an increased charitable contribution deduction for gifts of computer technology and equipment to schools. For details, see **Contributions of computer technology and equipment to schools**, on page 8.
- Corporations that hold qualified zone academy bonds may qualify to take the credit figured on **Form 8860**, Qualified Zone Academy Bond Credit. For more information, get Form 8860 and see section 1397E.
- For tax years beginning after December 31, 1997, the alternative minimum tax has been repealed for corporations that qualify as "small corporations." For more information, see the instructions on page 15 and get **Form 4626**, Alternative Minimum Tax — Corporations.
- The Act changed the tax years to which unused general business credits may be carried. Unused general business credits that arise in tax years beginning after 1997 are carried back 1 year and then forward to each of the 20 years following the unused credit year. For more information, see section 39(a).

### Unresolved Tax Problems

Most problems can be solved with one contact either by calling, writing, or visiting an IRS office. But if you have tried unsuccessfully to resolve a problem with the IRS, you should contact the Taxpayer Advocate's Problem Resolution Program (PRP). Someone at PRP will assign you a personal advocate who is in the best position to try to resolve your problem. The Taxpayer Advocate can also offer you special help if you have a significant hardship as a result of a tax problem.

You should contact the **Taxpayer Advocate** if:

- You have tried unsuccessfully to resolve your problem with the IRS and have not been contacted by the date promised, or
- You are on your second attempt to resolve a problem.

You may contact a Taxpayer Advocate by calling a new toll-free assistance number 1-877-777-4778. Persons who have access to TTY/TTD equipment may call 1-800-829-4059 and ask for the Taxpayer Advocate. If you prefer, you can write to the Taxpayer Advocate at the IRS office that last contacted you.

While Taxpayer Advocates cannot change the tax law or make a technical tax decision, they can clear up problems that resulted from previous contacts and ensure that your case is given a complete and impartial review. Taxpayer Advocates are working to put service first. For more information about PRP, see **Pub. 1546**, The Problem Resolution Program of the Internal Revenue Service.

### How To Get Forms and Publications

**Personal computer.** Access the IRS's Internet Web Site at **www.irs.ustreas.gov** to do the following:

- Download forms, instructions, and publications.
- See answers to frequently asked questions.
- Search publications on-line by topic or keyword.
- Send us comments or request help via e-mail.
- Sign up to receive hot tax issues and news by e-mail from the IRS Digital Dispatch.

You can also reach us using:

- Telnet at **iris.irs.ustreas.gov**
- File transfer protocol at **ftp.irs.ustreas.gov**
- Direct Dial (by modem) at **703-321-8020**.

**CD-ROM.** Order **Pub. 1796**, Federal Tax Products on CD-ROM, and get:

- Current year forms, instructions, and publications.
- Prior year forms and instructions.
- Popular forms that may be filled in electronically, printed out for submission, and saved for recordkeeping.

Buy the CD-ROM on the Internet at **www.irs.ustres.gov/cdorders** from the National Technical Information Service (NTIS) for \$13 (plus a \$5 handling fee) and save 35%, or call **1-877-CDFORMS** (1-877-233-6767) toll-free to buy the CD-ROM for \$20 (plus a \$5 handling fee).

**By phone and in person.** You can order forms and publications 24 hours a day, 7 days a week, by calling **1-800-TAX-FORM (1-800-829-3676)**. You can also get most forms and publications at your local IRS office.

### General Instructions

#### Purpose of Form

Use Form 1120-L, U.S. Life Insurance Company Income Tax Return, to report income, gains, losses, deductions, credits, and to figure the income tax liability of life insurance companies (LIC).

#### Who Must File

Every domestic LIC and every foreign corporation that would qualify as a LIC if it were a U.S. corporation must file Form 1120-L. This includes organizations described in section 501(m)(1) that provide commercial-type life insurance.

#### Mutual savings banks conducting life insurance business

Mutual savings banks conducting life insurance business and meeting the requirements of section 594 are subject to an alternative tax consisting of:

1. A partial tax computed on **Form 1120**, U.S. Corporation Income Tax Return, on the taxable income of the bank excluding the life insurance department, and
2. A partial tax on the taxable income computed on Form 1120-L of the life insurance department.

Enter the combined tax on line 3 of Schedule J, Form 1120. Attach and identify Form 1120-L as a schedule.

#### Foreign life insurance companies

A foreign LIC that sells a U.S. real property interest must file Form 1120-L and Schedule D (Form 1120) to report the sale. Gain or loss from the sale of a U.S. real property interest is considered effectively connected with the conduct of a U.S. business, even though the foreign LIC does not carry on any insurance business in the U.S. and is not otherwise required to file a U.S. income tax return.

#### Other insurance companies

Insurance companies, other than life insurance companies, should file **Form**

**1120-PC**, U.S. Property and Casualty Insurance Company Income Tax Return. A burial or funeral benefit insurance company that directly manufactures funeral supplies or performs funeral services is taxable under section 831 and should file Form 1120-PC.

## Definitions

**Insurance company** means any corporation if more than half of its business during the tax year is from the issuance of insurance or annuity contracts or the reinsuring of risks underwritten by insurance companies.

A **life insurance company (LIC)** is an insurance company in the business of issuing life insurance and annuity contracts either separately or combined with health and accident insurance, or noncancelable contracts of health and accident insurance that meet the reserves test in section 816(a). Guaranteed renewable life, health, and accident insurance that the corporation cannot cancel but reserves the right to adjust premium rates by classes, according to experience under the kind of policy involved, are treated as noncancelable.

The **reserves test** requires that life insurance reserves, as defined in section 816(b), plus unearned premiums and unpaid losses (whether or not ascertained) on noncancelable life, health, or accident policies not included in life insurance reserves, must make up more than 50% of total reserves as defined in section 816(c). When determining whether the reserves test has been met, make the following modifications:

1. Life insurance reserves and total reserves must each be reduced by an amount equal to the mean of the aggregates, at the beginning and end of the tax year, of the policy loans outstanding with respect to contracts for which life insurance reserves are maintained;

2. Amounts set aside and held at interest to satisfy obligations under contracts which do not contain permanent guarantees with respect to life, accident, or health contingencies must not be included in either life insurance reserves (section 816(c)(1)) or other reserves required by law (section 816(c)(3)); and

3. Deficiency reserves must not be included in either life insurance reserves or total reserves.

## When To File

Generally, a corporation must file its income tax return by the 15th day of the 3rd month after the end of the tax year. A new corporation filing a short-period return must generally file by the 15th day of the 3rd month after the short period

ends. A corporation that has dissolved must generally file by the 15th day of the 3rd month after it dissolved. A foreign corporation that does not maintain an office or place of business in the U.S. has until the 15th day of the 6th month after the end of its tax year to file.

If the due date falls on a Saturday, Sunday, or legal holiday, the corporation may file on the next business day.

## Extension

File **Form 7004**, Application for Automatic Extension of Time To File Corporation Income Tax Return, to request a 6-month extension of time to file.

**Private Delivery Services.** Corporations can use certain private delivery services designated by the IRS to meet the "timely mailing as timely filing/paying" rule for tax returns and payments. The IRS publishes a list of the designated private delivery services in September of each year. The list published in September, 1998 includes only the following:

- Airborne Express (Airborne): Overnight Air Express Service, Next Afternoon Service, Second Day Service.
- DHL Worldwide Express (DHL): DHL "Same Day" Service, DHL USA Overnight.
- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2 Day.
- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M.

The private delivery service can tell you how to get written proof of the mailing date.

## Where To File

If the corporation's principal business, office, or agency is located in	Use the following Internal Revenue Service Center address
Florida, Georgia, South Carolina	Atlanta, GA 39901
Kansas, New Mexico, Oklahoma, Texas	Austin, TX 73301
Indiana, Kentucky, Michigan, Ohio, West Virginia	Cincinnati, OH 45999
New Jersey, New York (New York City and counties of Nassau, Rockland, Suffolk, and Westchester)	Holtsville, NY 00501
New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Andover, MA 05501
Illinois, Iowa, Minnesota, Missouri, Wisconsin	Kansas City, MO 64999
Alabama, Arkansas, Louisiana, Mississippi, North Carolina, Tennessee	Memphis, TN 37501

Alaska, Arizona, California (counties of Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba), Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming

Ogden, UT 84201

California (all other counties), Hawaii

Fresno, CA 93888

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia

Philadelphia, PA 19255

Corporations with their principal place of business outside the United States or claiming a possessions corporation tax credit (sections 936 and 30A) must file with the Internal Revenue Service Center, Philadelphia, PA 19255.

A group of corporations located in several service center regions will often keep all the books and records at the principal office of the managing corporation. In this case, the income tax returns of the corporations may be filed with the service center for the region in which the principal office is located.

## Who Must Sign

The return must be signed and dated by:

- The president, vice-president, treasurer, assistant treasurer, chief accounting officer, or
- Any other corporate officer (such as tax officer) authorized to sign. Receivers, trustees, or assignees must sign and date any return filed on behalf of a corporation.

If a corporate officer completes Form 1120-L, the Paid Preparer's space should remain blank. Anyone who prepares Form 1120-L but does not charge the corporation should not sign the return. Generally, anyone who is paid to prepare the return must sign it and fill in the Paid Preparer's Use Only area.

The paid preparer **MUST** complete the required preparer information and:

- Sign the return, by hand, in the space provided for the preparer's signature (signature stamps and labels are not acceptable).
- Give a copy of the return to the taxpayer.

## Accounting Methods

The return of a LIC must be filed using the accrual method of accounting or, to the extent permitted under regulations, a combination of the accrual method with any other method, except the cash receipts and disbursements method. In all cases, the method used must clearly show taxable income.

An accrual basis taxpayer can deduct accrued expenses in the tax year in which:

1. All events that determine the liability have occurred,
2. The amount of the liability can be figured with reasonable accuracy, and
3. Economic performance takes place with respect to the expense.

There are exceptions to the economic performance rule for certain items, including recurring expenses. See section 461(h) and the related regulations for the rules for determining when economic performance takes place.

### Change in Accounting Method

Generally, the corporation may change the method of accounting used to report taxable income (for income as a whole or for any material item) only by getting consent on **Form 3115**, Application for Change in Accounting Method. For more information, see **Pub. 538**, Accounting Periods and Methods.

### Rounding Off to Whole Dollars

The corporation may show amounts on the return and accompanying schedules as whole dollars. To do so, drop any amount less than 50 cents and increase any amount from 50 cents through 99 cents to the next higher dollar.

### Recordkeeping

Keep the corporation's records for as long as they may be needed for the administration of any provision of the Internal Revenue Code. Usually, records that support an item of income, deduction, or credit on the return must be kept for 3 years from the date the return is due or filed, whichever is later. Keep records that verify the corporation's basis in property for as long as they are needed to figure the basis of the original or replacement property.

The corporation should keep copies of any returns filed. They help in preparing future returns and amended returns.

### Depository Method of Tax Payment

The corporation must pay the tax due in full no later than the 15th day of the 3rd month after the end of the tax year. Some corporations (described below) are required to electronically deposit all depository taxes, including corporation income tax payments.

#### Electronic deposit requirement

The corporation must make electronic deposits of all depository tax liabilities that occur after 1998 if:

- It was required to electronically deposit taxes in prior years.
- It deposited more than \$50,000 in social security, Medicare, railroad retirement, and withheld income taxes in 1997, or

- It **did not** deposit social security, Medicare, railroad retirement or withheld income taxes in 1997, but it deposited more than \$50,000 in other taxes under section 6302 (such as the corporate income tax) in 1997. For details see Regulations section 31.6302-1(h).

The Electronic Federal Tax Payment System (EFTPS) must be used to make electronic deposits. If the corporation is required to make deposits electronically and fails to do so, it may be subject to a 10% penalty.

**Note:** A penalty will not be imposed prior to January 1, 1999, if the corporation was first required to use EFTPS on or after July 1, 1997.

Corporations that are not required to make electronic deposits may voluntarily participate in EFTPS. To enroll in EFTPS, call 1-800-945-8400 or 1-800-555-4477. For general information about EFTPS, call 1-800-829-1040.

#### Deposits with Form 8109

If the corporation does not use EFTPS, deposit corporation income tax payments (and estimated tax payments) with Form 8109. Do not send deposits directly to an IRS office. Mail or deliver the completed Form 8109 with the payment to a qualified depository for Federal taxes or to the Federal Reserve Bank (FRB) servicing the corporation's geographic area. Make checks or money orders payable to that depository or FRB. To help ensure proper crediting, write the corporation's employer identification number, the tax period to which the deposit applies, and "Form 1120-L" on the check or money order. Be sure to darken the "1120" box on the coupon. Records of these deposits will be sent to the IRS.

A penalty may be imposed if the deposits are mailed or delivered to an IRS office rather than to an authorized depository or FRB. For more information on deposits, see the instructions in the coupon booklet (Form 8109) and **Pub. 583**, Starting a Business and Keeping Records.

**Caution:** If the corporation owes tax when it files Form 1120-L, do not include the payment with the tax return. Instead, mail or deliver the payment with Form 8109 to a qualified depository or FRB, or use EFTPS, if applicable.

### Estimated Tax Payments

Generally, the following rules apply to the corporation's payments of estimated tax.

- The corporation must make installment payments of estimated tax if it expects its estimated tax (income tax minus credits) to be \$500 or more.
- The installments are due by the 15th day of the 4th, 6th, 9th, and 12th months of the tax year. If any date falls on a Saturday, Sunday, or legal holiday, the installment is due on the next regular business day.

- Use **Form 1120-W**, Estimated Tax for Corporations, as a worksheet to compute estimated tax.

- If the corporation does not use EFTPS, use the deposit coupons (Form 8109) to make deposits of estimated tax.

For more information on estimated tax payments, including penalties that apply if the corporation fails to make required payments, see the instructions for line 30 on page 9.

#### Overpaid Estimated Tax

If the corporation overpaid estimated tax, it may be able to get a quick refund by filing **Form 4466**, Corporation Application for Quick Refund of Overpayment of Estimated Tax. The overpayment must be at least 10% of the expected income tax liability, and at least \$500. To apply for a quick refund, file Form 4466 before the 16th day of the 3rd month after the end of the tax year, but before the corporation files its income tax return. Do not file Form 4466 before the end of the corporation's tax year.

**Caution:** Foreign insurance companies should see Notice 90-13, 1990-1 C.B. 321, before computing estimated tax.

### Interest and Penalties

**Interest.** Interest is charged on taxes paid late, even if an extension of time to file is granted. Interest is also charged on penalties imposed for failure to file, negligence, fraud, gross valuation overstatements, and substantial understatements of tax from the due date (including extensions) to the date of payment. The interest charge is figured at a rate determined under section 6621.

**Penalty for late filing of return.** A corporation that does not file its tax return by the due date, including extensions, may have to pay a penalty of 5% of the unpaid tax for each month or part of a month the return is late, up to a maximum of 25% of the unpaid tax. The minimum penalty for a return that is over 60 days late is the smaller of the tax due or \$100. The penalty will not be imposed if the corporation can show that the failure to file on time was due to reasonable cause. Corporations that file late must attach a statement explaining the reasonable cause.

**Penalty for late payment of tax.** A corporation that does not pay the tax when due may be penalized 1/2 of 1% of the unpaid tax for each month or part of a month the tax is not paid, up to a maximum of 25% of the unpaid tax. The penalty will not be imposed if the corporation can show that the failure to pay on time was due to reasonable cause.

**Trust fund recovery penalty.** This penalty may apply if certain excise, income, social security, and Medicare taxes that must be collected or withheld are not collected or withheld, or these taxes are not paid. These taxes are generally reported on Forms 720, 941, 943, or 945 (see **Other Forms, Returns**

**and Statements That May Be Required,** below). The trust fund recovery penalty may be imposed on all persons who are determined by the IRS to have been responsible for collecting, accounting for, and paying over these taxes, and who acted willfully in not doing so. The penalty is equal to the unpaid trust fund tax. See the instructions for Form 720, or **Pub. 15** (Circular E), Employer's Tax Guide, for details, including the definition of responsible persons.

**Other penalties.** Other penalties can be imposed for negligence, substantial understatement of tax, and fraud. See sections 6662 and 6663.

## Other Forms, Returns, and Statements That May Be Required

**Form W-2,** Wage and Tax Statement; and **Form W-3,** Transmittal of Wage and Tax Statements. Report withheld income, social security, and Medicare taxes for an employee.

**Form 720,** Quarterly Federal Excise Tax Return. Use Form 720 to report and pay the luxury tax on passenger vehicles, environmental excise taxes, communications and air transportation taxes, fuel taxes, manufacturer's taxes, ship passenger taxes, and certain other excise taxes. Also see **Trust fund recovery penalty** on page 3.

**Form 926,** Return by a U.S. Transferor of Property to a Foreign Corporation. Use this form to report information required under section 6038B.

**Form 940 or Form 940-EZ,** Employer's Annual Federal Unemployment (FUTA) Tax Return. The corporation may be liable for FUTA tax and may have to file Form 940 or 940-EZ if it paid wages of \$1,500 or more in any calendar quarter in 1997 or 1998 or it had at least one employee who worked for the corporation for some part of a day in any 20 or more different weeks in 1997 or 20 or more different weeks in 1998.

**Form 941,** Employer's Quarterly Federal Tax Return. Report payroll income tax withheld and employer and employee social security and Medicare taxes. Also see the **Trust fund recovery penalty** on page 3.

**Form 945,** Annual Return of Withheld Federal Income Tax. Report income tax withholding from nonpayroll distributions or payments, such as pensions, annuities, IRAs, military retirement, gambling winnings, Indian gaming profits, and backup withholding. Also see **Trust fund recovery penalty** on page 3.

**Form 966,** Corporate Dissolution or Liquidation. Report the adoption of a resolution or plan to dissolve the corporation or liquidate any of its stock.

**Form 1042,** Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, and **Form 1042-S,** Foreign Person's U.S. Source Income Subject to Withholding. Use these forms to report

and send withheld tax on certain payments or distributions made to nonresident alien individuals, foreign partnerships, or foreign corporations. For more information, see sections 1441 and 1442, and **Pub. 515,** Withholding of Tax on Nonresident Aliens and Foreign Corporations.

**Form 1096,** Annual Summary and Transmittal of U.S. Information Returns.

**Form 1098,** Mortgage Interest Statement. This form is used to report the receipt from any individual of \$600 or more of mortgage interest and points in the course of the corporation's trade or business for any calendar year.

**Form 1098-E,** Student Loan Interest Statement. Report the receipt of \$600 or more of student loan interest during the tax year.

**Forms 1099-A, B, C, DIV, INT, LTC, MISC, MSA, OID, PATR, R, and S.** Use these information returns to report acquisitions and abandonments of secured property through foreclosure, proceeds from broker and barter exchange transactions, cancellation of debt, certain dividends and distributions, interest income, certain payments made on a per diem basis under a long-term care insurance contract and certain accelerated death benefits, miscellaneous income payments (e.g. payments to certain fishing boat crew members, payments to providers of health and medical services, miscellaneous income payments, and nonemployee compensation), distributions from a medical savings account (MSA, or Medicare & Choice MSA), original issue discount, distributions from cooperatives to their patrons, distributions from retirement or profit-sharing plans, IRAs, SEPs, or SIMPLEs, and insurance contracts, and proceeds from real estate transactions.

For more information, see the instructions for Forms 1099, 1098, 5498, and W-2G.

**Note:** *Every corporation must file Form 1099-MISC if, in the course of its trade or business, it makes payments of rents, commissions, or other fixed or determinable income (see section 6041) totaling \$600 or more to any one person during the calendar year.*

**Form 5452,** Corporate Report of Nondividend Distributions. Report nondividend distributions.

**Form 5471,** Information Return of U.S. Persons With Respect to Certain Foreign Corporations. The corporation may have to file Form 5471 if any of the following applies.

- It controls a foreign corporation.
- It acquires, disposes of, or owns 10% or more in value or vote of the outstanding stock of a foreign corporation.
- It had control of a foreign corporation for an uninterrupted period of at least 30 days during the annual accounting period of the foreign corporation.

**Form 5472,** Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business. A domestic corporation that is 25% or more foreign-owned may have to file this form. See the instructions for question 8 on page 16.

**Form 5498,** IRA, SEP, or SIMPLE Retirement Plan Information. Report contributions, including rollover contributions, to an IRA, SEP, or SIMPLE, and the value of an IRA, SEP or SIMPLE account.

**Form 5498-MSA,** MSA or Medicare & Choice Information. Report contributions (including rollover contributions) to a medical savings account (MSA).

**Form 5713,** International Boycott Report. If the corporation has operations in, or related to, a "boycotting" country, company, or national of a country.

**Form 8264,** Application for Registration of a Tax Shelter. Tax shelter organizers are required to file Form 8264 to get a tax shelter registration number from the IRS.

**Form 8271,** Investor Reporting of Tax Shelter Registration Number. Taxpayers who have acquired an interest in a tax shelter, that is required to be registered, use this form to report the tax shelter's registration number. Form 8271 must be attached to any tax return (including an application for tentative refund (Form 1139) or an amended return) on which a deduction, credit, loss, or other tax benefit attributable to a tax shelter is taken, or any income attributable to a tax shelter is reported.

**Form 8275,** Disclosure Statement, and **Form 8275-R,** Regulation Disclosure Statement. Use these forms to disclose items or positions taken on a tax return that are not otherwise adequately disclosed or that are contrary to Treasury regulations (to avoid parts of the accuracy-related penalty or certain preparer penalties).

**Form 8281,** Information Return for Publicly Offered Original Issue Discount Instruments. Issuers of public offerings of debt instruments generally must file this form within 30 days of the issuance of the debt instrument.

**Form 8300,** Report of Cash Payments Over \$10,000 Received in a Trade or Business. File this form to report the receipt of more than \$10,000 in cash or foreign currency in one transaction (or a series of related transactions).

**Form 8390,** Information Return for Determination of Life Insurance Company Earnings Rate Under Section 809. This form is filed by all mutual LICs and the 50 largest stock LICs, as determined by the Secretary, to gather information to compute the "differential earnings rate."

**Form 8594,** Asset Acquisition Statement Under Section 1060. Use this form to report the purchase or sale of a group of assets that constitute a trade or business if goodwill or going concern value attach to the assets.

**Form 8816**, Special Loss Discount Account and Special Estimated Tax Payments for Insurance Companies. This form must be filed by any insurance company that elects to take an additional deduction under section 847.

**Form 8842**, Election To Use Different Annualization Periods for Corporate Estimated Tax. Corporations use Form 8842 for each year they want to elect one of the annualization periods in section 6655(e)(2)(C) for figuring estimated tax payments under the annualized income installment method.

**Form 8849**, Claim for Refund of Excise Taxes. Use this form to claim a refund of excise taxes paid on Form 720, 730, or 2290 for excise taxes on fuels, chemicals and other articles that are later used for nontaxable purposes, or for which there is a reduced rate of tax.

**Consolidated Return.** If an affiliated group of corporations includes one or more domestic LICs taxed under section 801, the common parent may elect to treat those LICs as includible corporations. The LICs must have been members of the group for the 5 tax years immediately preceding the tax year for which the election is made. See section 1504(c)(2) and Regulations section 1.1502-47(d)(12).

**Note:** *If an election under section 1504(c)(2) is in effect for an affiliated group for the tax year, all items of members of the group that are not LICs must not be taken into account in figuring the tentative LICTI of members that are LICs.*

The parent corporation of an affiliated group of corporations must attach **Form 851**, Affiliations Schedule, to the consolidated return. For the first year a consolidated return is filed, each subsidiary must attach **Form 1122**, Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income Tax Return.

File supporting statements for each corporation included in the consolidated return. Use columns to show the following, both before and after adjustments:

- Items of gross income and deductions.
- A computation of taxable income.
- Balance sheets as of the beginning and end of the tax year.
- A reconciliation of income per books with income per return.
- A reconciliation of retained earnings.

Enter the totals for the consolidated group on Form 1120-L. Attach consolidated balance sheets and a reconciliation of consolidated retained earnings. For more information on consolidated returns, see the regulations under section 1502.

**Note:** *If a non-life insurance company (non-LIC) is a member of an affiliated group, file Form 1120-PC as an attachment to the consolidated return in*

*lieu of filing a supporting statement. Write across the top of page 1 of Form 1120-PC, "Supporting Statement to Consolidated Returns."*

## Statements

**NAIC Annual Statement.** Regulations section 1.6012-2(c) requires that the NAIC Annual Statement be filed with Form 1120-L. A late filing of return penalty may be imposed for not including the annual statement when the return is filed.

**Reconciliation.** A schedule must be attached which reconciles the NAIC Annual Statement to Form 1120-L.

**Stock ownership in foreign corporations.** Attach the statement required by section 551(c) if:

(a) the corporation owned 5% or more in value of the outstanding stock of a foreign personal holding company, and

(b) the corporation was required to include in its gross income any undistributed foreign personal holding company income.

**Transfers to a corporation controlled by the transferor.** If a person receives stock of a corporation in exchange for property, and no gain or loss is recognized under section 351, the person (transferor) and the transferee must attach to their respective tax returns the information required by Regulations section 1.351-3.

## Attachments

Attach **Form 4136**, Credit for Federal Tax on Fuels, after page 8, Form 1120-L. Attach schedules in alphabetical order and other forms in numerical order after Form 4136.

Complete every applicable entry space on Form 1120-L. Do not write "See attached" instead of completing the entry spaces. If you need more space on the forms or schedules, attach separate sheets. Use the same size and format as on the printed forms. But show totals on the printed forms. Attach these separate sheets after all the schedules and forms. Be sure to put the corporation's name and EIN on each sheet.

## Specific Instructions

**Period Covered.** File the 1998 return for calendar year 1998. Section 843 requires all insurance companies to file on a calendar year basis, unless they join in the filing of a consolidated return. If a consolidated return is filed, the parent corporation's return is to indicate the period covered.

## Address and Employer Identification Number

**Address.** Include the suite, room, or other unit number after the street address.

If the Post Office does not deliver mail to the street address and the corporation has a P.O. box, show the box number instead of the street address.

**Note:** *If a change of address occurs after the return is filed, use **Form 8822**, Change of Address, to notify the IRS of the new address.*

## Item A(2)

If box A(1) is checked and non-LICs are included in the consolidated return, also check box A(2). See Regulations section 1.1502-47(s) for the filing requirements of a life-nonlife company consolidated return.

## Item B

**Employer identification number (EIN).** If the corporation does not have an EIN, it should apply for one on **Form SS-4**, Application for Employer Identification Number. Form SS-4 can be obtained at Social Security Administration offices or by calling 1-800-TAX-FORM. If the corporation has not received its EIN by the time the return is due, write "Applied for" in the space for the EIN. See Pub. 583 for more information.

## Item D

Check the appropriate box if the corporation is a foreign corporation and elects under:

1. Section 953(c)(3)(C) to treat its related person insurance income as effectively connected with the conduct of a trade or business in the U.S., or
2. Section 953(d) to be treated as a domestic corporation.

Generally, a foreign corporation making either election should file its return with the Internal Revenue Service Center, Philadelphia, PA 19255. See Notice 87-50, 1987-2 C.B. 357, and Notice 89-79, 1989-2 C.B. 392, for the procedural rules, election statement formats, and filing addresses, for making the respective elections under section 953(c)(3)(C) or section 953(d).

**Note:** *Once either election is made, it will apply to the tax year for which made and all subsequent tax years unless revoked with the consent of the Secretary. Also, any loss of a foreign corporation electing to be treated as a domestic insurance company, under section 953(d), will be treated as a dual consolidated loss and may not be used to reduce the taxable income of any other member of the affiliated group for the tax year or any other tax year.*

## Item E

### Final Return, Change of Address, or Amended Return

Indicate a final return, change of address, or amended return by checking the appropriate box.

# Life Insurance Company Taxable Income (LICTI)

## Income

**Line 1.** Enter gross premiums and other consideration received on insurance and annuity contracts less return premiums and premiums and other consideration paid for indemnity reinsurance.

**Gross premiums and other consideration** includes advance premiums, deposits, fees, assessments, consideration received for assuming liabilities under contracts not issued by the corporation, and any amount treated as premiums received under section 808(e) (see Schedule E instructions).

**Return premiums** include amounts rebated or refunded due to policy cancellations or incorrectly computed premiums, but do not include amounts returned to policyholders when such amounts are not fixed in the contract but instead depend on the corporation's experience or the management's discretion.

**Line 2. Net decrease in reserves.** If there is a decrease in reserves, complete line 2 by doing the following:

1. Pencil in the amount from line 8, Schedule F, on line 2, to tentatively compute life insurance company gross income (LICGI);

2. Use this tentative LICGI figure to complete Schedule F.

After completing steps 1 and 2 above, erase the numbers penciled in for step 1 and then enter on line 2, the net decrease in reserves shown on line 37, Schedule F.

**Line 3. 10% of certain decreases in reserves.** If the amount of any item referred to in section 807(c) decreases as a result of a change in the basis used to determine that item, 10% of the decrease must be included in LICGI for each of the 10 succeeding tax years. See section 807(f)(1).

**Note:** *If a corporation no longer qualifies as a LIC, the balance of any adjustments under section 807(f) must be taken into account in the last tax year the corporation is qualified to file Form 1120-L. See section 807(f)(2).*

**Line 4. Investment income.** Enter the amount from Schedule B, line 8 less 50% of interest income of an ESOP loan made prior to August 20, 1996. Also see Act section 1602 of the Small Business Job Protection Act of 1996 ("1996 Act") for binding contracts and refinancing rules.

**Line 5. Net capital gain.** Unless specifically excluded by section 1221, each asset held by a corporation (whether or not connected with its business) is a "capital asset."

Under section 1221, **capital asset** does not include:

1. Assets that can be inventoried or property held mainly for sale to customers.

2. Depreciable or real property used in the trade or business.

3. Certain copyrights; literary, musical or artistic compositions.

4. Accounts or notes receivable acquired in the ordinary course of trade or business for services rendered or from the sale of property described in 1 above.

5. Certain publications of the U.S. Government.

Section 818(b) modifies the above definition so only property used in carrying on an insurance business will be considered as "depreciable or real property used in the corporation's trade or business." For LIC's, gains or losses from the sale or exchange of depreciable assets of any business other than an insurance business will be treated as gains or losses from the sale or exchange of capital assets.

See section 818(c) and the related regulations for how to limit the gain from the sale or exchange of any section 818(c) property.

**Line 6. Income from a special loss discount account.** Enter the total from Form 8816, Part I, line 6. See section 847(5) and the instructions for Form 8816 for more information.

**Line 7. Other income.** Enter any other income, includible in LICGI, not included on lines 1 through 6. List the type and amount of income on an attached schedule. If the LIC has only one item of other income, describe it in parentheses on line 7. Examples of other income to report on line 7 are:

• Include all income from noninsurance business (defined in section 806(b)(3)), but list it separately from all other income.

• For mutual LIC's, if the recomputed differential earnings amount for the preceding tax year exceeds the differential earnings amount for that tax year, include the excess on line 7.

• Use **Form 4797**, Sales of Business Property, to report gains and losses from sales or exchanges of assets used in a trade or business and from involuntary conversions.

Section 818(b)(1) provides that, for section 1231(a), "property used in a trade or business" includes only:

1. Property used in carrying on an insurance business that is either real or depreciable property held for more than 1 year.

2. Timber, coal, and domestic iron ore to which section 631 applies.

For paragraph 1 above, **property used in a trade or business** does not include property includible in inventory, property held primarily for sale to customers, or certain copyrights, literary, musical or artistic compositions, letters, memoranda, and similar property.

Include ordinary gains and losses from Form 4797.

## Deductions

**Line 9. Death benefits, etc.** Enter all claims and benefits accrued and losses incurred (whether or not ascertained) during the year on insurance and annuity contracts.

**Losses incurred (whether or not ascertained)** includes a reasonable estimate both of losses incurred but not reported and of reported losses, where the amount of the losses cannot be determined by the end of the tax year. Losses incurred must be adjusted to take into account recoveries, e.g., for reinsurance, for those losses together with estimates of those recoveries that may be recovered on those losses in future years.

**Note:** *Under section 807(c), the amount of unpaid losses (other than losses on life insurance contracts) must be the amount of the discounted unpaid losses under section 846. See the instructions for Schedule F, line 2 for more information on the discounting provisions.*

**Line 11. 10% of certain increases in reserves.** If the amount of any item referred to in section 807(c) increases as a result of a change in the basis used to determine that item, then 10% of the increase will be allowed as a deduction in computing LICTI for each of the 10 succeeding tax years. See section 807(f)(1).

**Note:** *If a corporation ceases to qualify as a LIC, the balance of any adjustments under section 807(f) must be taken into account in the last year that the corporation is qualified to file Form 1120-L. See section 807(f)(2).*

**Line 13. Consideration paid for assumption by another person of liabilities under insurance, etc., contracts.** Enter the total consideration paid by the corporation to another person (other than for indemnity reinsurance) for the assumption by that person of liabilities under insurance and annuity contracts (including supplementary contracts).

**Line 14. Dividends reimbursable by taxpayer.** Enter the amount of policyholder dividends paid or accrued by another insurance company for policies this corporation has reinsured and that are reimbursable by the corporation under the terms of the reinsurance contract.

**Line 15a. Interest.**

**Note:** *The deduction for interest is limited when the corporation is a policyholder or beneficiary with respect to a life insurance, endowment, or annuity contract issued after June 8, 1997. For details, see section 264(f). Attach a statement showing the computation of the deduction.*

Enter all interest paid or accrued during the tax year. No deduction is allowed under section 163 for interest on the items described in section 807(c). Also, do not include interest included on Schedule G, line 9 (general deductions).

**Line 15b. Less tax-exempt interest expense.** Enter interest paid or accrued on indebtedness incurred or continued to purchase or carry obligations, the interest on which is wholly tax exempt.

**Line 17. Additional deduction.** Enter the total from Form 8816, Part I, line 5.

Any insurance company taking the additional deduction **MUST**:

- Make special estimated tax payments equal to the tax benefit from the deduction, and

- Establish and maintain a Special Loss Discount Account. See section 847 and Form 8816 for more information.

**Line 18. Other deductions.** Attach a schedule listing, by type and amount, all allowable deductions in computing LICTI (including the amortization of premiums under section 811(b)) not included on lines 9 through 17.

- Enter the amount of salaries and wages paid for the tax year, less the amount of any work opportunity credit from Form 5884, empowerment zone employment credit from Form 8844, Indian employment credit from Form 8845, and welfare-to-work credit from Form 8861. See the instructions for these forms for more information.

- Include all deductions from noninsurance business (defined in section 806(b)(3)). Deductions from noninsurance business should be listed separately from all other deductions.

- For mutual LICs, if the differential earnings amount (section 809(a)(3)) for the preceding tax year exceeds the recomputed differential earnings amount (section 809(f)(3)) for that tax year, include the excess on line 18.

- If the corporation claims a deduction for depreciation or amortization, attach **Form 4562**, Depreciation and Amortization.

Foreign intangible drilling costs and foreign exploration and development costs must either be added to the corporation's basis for cost depletion purposes or be deducted ratably over a 10-year period. See sections 263(i), 616, and 617 for details.

Attach **Form T (Timber)**, Forest Activities Schedules, if a deduction for depletion of timber is taken.

**Note:** Do not deduct fines or penalties paid to a government for violating any law.

- Attach a schedule for compensation of officers using the following columns:

1. Name of officer.
2. Social security number.
3. Percentage of time devoted to business.
4. Amount of compensation.

This information must be submitted by each member of an affiliated group included in a consolidated return. See

**Disallowance of deduction for employee compensation in excess of \$1 million** below.

**Pension, profit-sharing, etc. plans.**

Employers who maintain a qualified pension, profit-sharing, or other funded

deferred compensation plan generally must file one of the forms listed below, even if the plan is not a qualified plan under the Internal Revenue Code. The filing requirement applies even if the corporation does not claim a deduction for the current tax year. There are penalties for failure to file these forms on time and for overstating the pension plan deduction. See sections 6652(e) and 6662(f).

**Form 5500.**—Complete this form for each plan with 100 or more participants.

**Form 5500-C/R.**—Complete this form for each plan with fewer than 100 participants.

**Form 5500-EZ.**—Complete this form for a one-participant plan. The term "one-participant plan" also means a plan that covers the owners and their spouses or a plan that covers partners in a business partnership (or the partners and their spouses).

**Disallowance of deduction for employee compensation in excess of \$1 million.** Publicly held corporations may not deduct compensation to a "covered employee" to the extent that the compensation exceeds \$1 million. Generally, a covered employee is:

- The chief executive officer of the corporation (or an individual acting in that capacity) as of the end of the tax year, or
- An employee whose total compensation must be reported to shareholders under the Securities Exchange Act of 1934 because the employee is among the four highest compensated officers for that tax year (other than the chief executive officer).

For this purpose, compensation does not include the following:

- Income from certain employee trusts, annuity plans, or pensions;
  - Any benefit paid to an employee that is excluded from the employee's income.
- The deduction limit does not apply to:
- Commissions based on individual performance;
  - Qualified performance-based compensation; and
  - Income payable under a written binding contract in effect on February 17, 1993.

The \$1 million limit is reduced by amounts disallowed as excess parachute payments under section 280G.

For details, see section 162(m) and Regulations section 1.162-27.

**Line 20. Operations loss deduction.**

The operations loss deduction (OLD) is the total of the operations loss carryovers from prior tax years. However, the OLD cannot exceed the corporation's LICTI (after the dividends-received deduction). See section 810(c). If this deduction is taken, show its computation on an attached schedule.

Generally, a LIC may carry an operating loss back to each of the 3 years preceding the year of the loss and carry it over to each of the 15 years following the year of the loss.

There is also an irrevocable election to forego the carryback period and carry an operating loss over to each of the 15 years following the year of the loss. To make this election, check the box in question 15, Schedule M. The return must be timely filed (including extensions). If the LIC is a new company for the loss year, the loss may be carried over to each of the 18 years following the year of the loss.

After applying the operating loss to the first tax year to which it may be carried, the portion of the loss the corporation may carry to each of the remaining tax years is the excess, if any, of the loss over the sum of the offsets for each of the prior tax years to which the corporation may carry the loss. See section 810(b)(2).

See section 810 for special rules, limitations, and definitions pertaining to operating loss carrybacks and carryovers.

Special rules apply when an ownership change occurs (i.e., the amount of the taxable income of a loss corporation that can be offset by pre-change operations loss carryovers is limited). See section 382 and the related regulations. Also see Temporary Regulations section 1.382-2T(a)(2)(ii), which requires that a loss corporation file an information statement with its income tax return for each tax year that it is a loss corporation and certain shifts in ownership occurred. See Regulations section 1.382-6(b) for details on how to make the closing-of-the-books election.

See section 844 for special loss carryover rules for an insurance company that has changed its form of organization or has had a change in the nature of its insurance business.

## Limitations on Deductions

**Charitable contributions.** Enter contributions or gifts actually paid in the tax year to or for the use of charitable and governmental organizations described in section 170(c) and any unused contributions carried over from prior years.

Corporations on the accrual basis may elect to deduct contributions paid by the 15th day of the 3rd month after the end of the tax year if the contributions are authorized by the board of directors during the tax year. Attach a declaration to the return, signed by an officer, stating that the resolution authorizing the contributions was adopted by the board of directors during the tax year. Also attach a copy of the resolution.

**Limitation on deduction.** The total amount claimed may not be more than 10% of LICTI computed without regard to:

- Any deduction for charitable contributions,
- The deduction for policyholder dividends,
- The deduction for dividends received,
- The small LIC deduction,
- Any operations loss carryback to the tax year under section 810, and

- Any capital loss carryback to the tax year under section 1212(a)(1).

Charitable contributions over the 10% limitation may not be deducted in the tax year but may be carried over to the next 5 tax years.

A contributions carryover is not allowed, however, to the extent that it increases an operating loss. See section 170(d)(2)(B).

#### **Substantiation requirements.**

Generally, no deduction is allowed for any contribution of \$250 or more unless the corporation obtains a written acknowledgment from the donee organization that shows the amount of cash contributed, describes any property contributed, and either gives a description and a good faith estimate of the value of any goods or services provided in return for the contribution, or states that no goods or services were provided in return for the contribution. The acknowledgment must be obtained by the due date (including extensions) of the corporation's return, or if earlier, the date the return is filed. Do not attach the acknowledgment to the tax return, but keep it with the corporation's records. These rules apply in addition to the filing requirements for Form 8283 described below.

For more information on substantiation and recordkeeping requirements, see the regulations under section 170 and **Pub. 526**, Charitable Contributions.

#### **Contributions to organizations conducting lobbying activities.**

Contributions made to an organization that conducts lobbying activities are not deductible if:

- The lobbying activities relate to matters of direct financial interest to the donor's trade or business, and
- The principal purpose of the contribution was to avoid Federal income tax by obtaining a deduction for activities that would have been nondeductible under the lobbying expense rules if conducted directly by the donor.

#### **Contributions of property other than cash.**

If a corporation contributes property other than cash and claims a \$500 deduction for the property, it must attach a schedule to the return describing the kind of property contributed and the method used to determine its fair market value. Generally, corporations must complete and attach **Form 8283**, Noncash Charitable Contributions, to their returns for all contributions of property other than money if the total claimed deduction for all property contributed was more than \$5,000.

If the corporation made a "qualified conservation contribution" under section 170(h), include the fair market value of the underlying property before and after the donation, as well as the type of legal interest contributed, and describe the conservation purpose benefited by the donation. If a contribution carryover is included, show the amount and how it was determined.

#### **Reduced deduction for contributions of certain property.**

For a charitable contribution of property, the corporation must reduce the contribution by the sum of:

- The ordinary income or short-term capital gain that would have resulted if the property had been sold at its fair market value, and
- For certain contributions, all of the long-term capital gain that would have resulted if the property had been sold at its fair market value.

The reduction for long-term capital gain applies to:

- Contributions of tangible personal property for use by an exempt organization for a purpose or function unrelated to the basis for its exemption; and
- Contributions of any property to or for the use of certain private foundations, except for stock for which market quotations are readily available (section 170(e)(5)).

**Larger deduction.** A larger deduction is allowed for certain contributions of:

- Inventory and other property to certain organizations for use in the care of the ill, needy, or infants (see section 170(e)(3) and Regulations section 1.170A-4A);
- Scientific equipment used for research to institutions of higher learning or to certain scientific research organizations (other than by personal holding companies and service organizations) (see section 170(e)(4));
- Computer technology and equipment to schools.

#### **Contributions of computer technology and equipment to schools.**

A corporation may take an increased deduction under section 170(e)(6) for qualified contributions of computer technology or equipment for elementary or secondary school purposes. A contribution is a qualified contribution if:

- It is made to an eligible donee (see below)
- Substantially all the donee property use is related to the purpose or function of the donee and the use is in the United States for grade K through 12 educational purposes;
- The contribution is made not later than 2 years after the date the taxpayer acquired or substantially completed the construction of the property;
- The original use of the property is by the donor or the donee;
- The property is not transferred by the donee for money, services, or other property, except for shipping, transfer, and installation costs; and
- The property fits productively into the donee's education plan.

**Eligible donee.** The term eligible donee means:

- An educational organization that normally maintains a regular faculty and curriculum and has a regularly enrolled body of pupils in attendance at the place

where its educational activities are regularly conducted; or

- A section 501(c)(3) entity organized primarily for purposes of supporting elementary and secondary education.

**Note:** *Contributions of computer technology or equipment to private foundations may be treated as qualified elementary or secondary educational contributions if certain requirements are met. See section 170(e)(6)(C).*

#### **Section 263A uniform capitalization rules.**

These rules require corporations to capitalize or include in inventory certain costs incurred in connection with the production of real and personal tangible property held in inventory or held for sale in the ordinary course of business. For more information, see Regulations sections 1.263A-8 through 1.263A-15.

#### **Travel, meals, and entertainment.**

Subject to limitations and restrictions discussed below, a corporation can deduct ordinary and necessary travel, meals, and entertainment expenses paid or incurred in its trade or business. Also special rules apply to deductions for gifts, skybox rentals, luxury water travel, convention expenses, and entertainment tickets. See section 274 and **Pub. 463**, Travel, Entertainment, Gift, and Car Expenses.

**Travel.** The corporation cannot deduct travel expenses of any individual accompanying a corporate officer or employee, including a spouse or dependent of the officer or employee, unless:

- That individual is an employee of the corporation, and
- His or her travel is for a bona fide business purpose and would otherwise be deductible by that individual.

**Meals, and entertainment.** Generally, the corporation can generally deduct only 50% of the amount otherwise allowable for meals and entertainment expenses paid or incurred in its trade or business. In addition (subject to exceptions under section 274(k)(2)):

- Meals must not be lavish or extravagant;
- A bona fide business discussion must occur during, immediately before, or immediately after the meal; and
- An employee of the corporation must be present at the meal.

**Membership dues.** The corporation may deduct amounts paid or incurred for membership dues in civic or public service organizations, professional organizations (such as bar and medical associations), business leagues, trade associations, chambers of commerce, boards of trade, and real estate boards. However, no deduction is allowed if a principal purpose of the organization is to entertain, or provide entertainment facilities for, members or their guests. In addition, corporations may not deduct membership dues in any club organized for business, pleasure, recreation, or other social purpose. This includes country clubs, golf



and athletic clubs, airline and hotel clubs, and clubs operated to provide meals under conditions favorable to business discussion.

**Entertainment facilities** The corporation cannot deduct an expense paid or incurred for a facility (such as a yacht or hunting lodge) used for an activity usually considered entertainment, amusement, or recreation.

**Note:** *The corporation may be able to deduct otherwise nondeductible meals, travel, and entertainment expenses if the amounts are treated as compensation and reported on Form W-2 for an employee or on Form 1099-MISC for an independent contractor.*

**Deduction for clean-fuel vehicles and certain refueling property.** Section 179A allows a deduction for part of the cost of qualified clean-fuel vehicle property and qualified clean-fuel vehicle refueling property placed in service during the tax year. For more information, see Pub. 535.

**Lobbying expenses.** Generally, lobbying expenses are not deductible. These expenses include amounts paid or incurred in connection with influencing Federal or state legislation (but not local legislation), or amounts paid or incurred in connection with any communication with certain Federal executive branch officials in an attempt to influence the official actions or positions of the officials. See Regulations section 1.162-29 for the definition of "influencing legislation". Dues and other similar amounts paid to certain tax-exempt organizations may not be deductible. See section 162(e)(3). If certain in-house lobbying expenditures do not exceed \$2,000, they are deductible. For information on contributions to charitable organizations that conduct lobbying activities, see the instructions on page 8. For more information on lobbying expenses, see section 162(e).

**Reducing certain expenses for which credits are allowable.** For each credit listed below, the corporation must reduce the otherwise allowable deductions for expenses used to figure the credit by the amount of the current year credit:

1. The work opportunity credit.
2. The research credit.
3. The enhanced oil recovery credit.
4. The disabled access credit.
5. The empowerment zone employment credit.
6. The Indian employment credit.
7. The employer credit for social security and Medicare taxes paid on certain employee tips.
8. The orphan drug credit.
9. The welfare-to-work credit.

If the corporation has any of these credits, be sure to figure each current year credit before figuring the deduction for expenses on which the credit is based.

**Transactions between related taxpayers.** Generally, an accrual basis taxpayer may only deduct business expenses and interest owed to a related

party in the year the payment is included in the income of the related party. See sections 163(e)(3), 163(j), and 267 for limitations on deductions for unpaid interest and expenses.

**Section 291 limitations.** Corporations may be required to adjust deductions for depletion of iron ore and coal, intangible drilling and exploration and development costs, certain deductions for financial institutions, and the amortizable basis of pollution control facilities. See section 291 to determine the amount of the adjustment. Also see section 43.

**Golden parachute payments.** A portion of the payments made by a corporation to key personnel that exceeds their usual compensation may not be deductible.

This occurs when the corporation has an agreement (golden parachute) with these key employees to pay them these excessive amounts if control of the corporation changes. See section 280G.

**Business startup expenses.** Business startup expenses must be capitalized unless an election is made to amortize them over a period of 60 months. See section 195.

## Tax and Payments

**Line 29b. Prior year(s) special estimated tax payments to be applied.** The amount entered on line 29b must agree with the amount(s) from Form 8816, Part II, line 10. See Form 8816 and section 847(2) for additional information.

**Line 29c. 1998 Estimated tax payments.** Enter the corporation's estimated tax payments for 1998. Do not include any amount being applied on line 29d as a "Special estimated tax payment."

**Line 29d. 1998 Special estimated tax payments.** If the deduction under section 847 is claimed on line 17, page 1, special estimated tax payments must be made in an amount equal to the tax benefit of the deduction. These payments must be made on or before the due date (without regard to extensions) of this tax return. See Form 8816 and section 847(2) for additional information.

**Line 29f.** Enter the total of lines 29a through 29c less line 29e. **Do Not** include line 29d in the total for line 29f.

**Line 29k. Total payments.** Add the amounts on lines 29f through 29j and enter the total on line 29k.

**Backup withholding.** If the corporation had income tax withheld from any payments it received because, for example, it failed to give the payer its correct EIN, include the amount withheld in the total for line 29k. This type of withholding is called backup withholding. Show the amount withheld in the blank space in the right-hand column above line 29k, and write "backup withholding."

**Line 30. Estimated tax penalty.** A corporation that does not make estimated tax payments when due may be subject to an underpayment penalty for the period of underpayment. Generally, a

corporation is subject to the penalty if its tax liability is \$500 or more, and it did not timely pay the smaller of:

- 100% of its tax liability for 1998, or
- 100% of its prior year's tax. See section 6655 for details and exceptions.

Mutual LICs may use the smaller of:

1. The differential earnings rate of the second tax year preceding the taxable year for which the installment is made, or

2. The differential earnings rate for the taxable year for which the installment is made. See section 809(c)(3) for more information.

Use **Form 2220**, Underpayment of Estimated Tax by Corporations, to see if the corporation owes a penalty and to figure the amount of the penalty.

Generally, the corporation does not have to file this form because the IRS can figure the amount of any penalty and bill the corporation for it. However, even if the corporation does not owe the penalty you must complete and attach Form 2220 if either of the following applies:

- The annualized income or adjusted seasonal installment method is used.
- The corporation is a large corporation computing its first required installment based on the prior year's tax. (See the Form 2220 instructions for the definition of a large corporation.)

If you attach Form 2220, check the box on line 30, and enter the amount of any penalty on that line.

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## Schedule A — Dividend Income and Dividends-Received Deduction

For purposes of the 20% ownership test on lines 1 through 7, the percentage of stock owned by the corporation is based on voting power and value of the stock. Preferred stock described in section 1504(a)(4) is not taken into account. Corporations filing a consolidated return should see Regulations sections 1.1502-13, 1.1502-26, and 1.1502-27 before completing Schedule A.

**Line 1, column (a).** Enter dividends (except those received on debt-financed stock acquired after July 18, 1984, see section 246A) that:

- Are received from less-than-20%-owned domestic corporations subject to income tax; and
- That qualify for the 70% deduction allowable under section 243(a)(1).

Include on this line taxable distributions from an IC-DISC or former DISC that are designated as eligible for the 70% deduction and certain dividends of Federal Home Loan Banks (see section 246(a)(2)).

Also include on line 1 dividends (except those received on debt-financed stock acquired after July 18, 1984) from a regulated investment company (RIC). The amount of dividends eligible for the

dividends-received deduction under section 243 is limited by section 854(b). The corporation should receive a notice from the RIC specifying the amount of dividends that qualify for the deduction.

Report so-called dividends or earnings received from mutual savings banks, etc., as interest. Do not treat them as dividends.

**Line 2, column (a).** Enter dividends (except those received on debt-financed stock acquired after July 18, 1984) that are received from 20%-or-more-owned domestic corporations subject to income tax and that are subject to the 80% deduction under section 243(c). Include on this line taxable distributions from an IC-DISC or former DISC that are considered eligible for the 80% deduction.

**Line 3, column (a).** Enter dividends on debt-financed stock acquired after July 18, 1984, that are received from domestic and foreign corporations subject to income tax and that would otherwise be subject to the dividends-received deduction under section 243(a)(1), 243(c), or 245(a). Generally, debt-financed stock is stock that the corporation acquired by incurring a debt (e.g., it borrowed money to buy the stock).

Include on line 3 dividends received from a regulated investment company (RIC) on debt-financed stock. The amount of dividends eligible for the dividends-received deduction is limited by section 854(b). The corporation should receive a notice from the RIC specifying the amount of dividends that qualify for the deduction.

**Line 3, columns (b) and (c).** Dividends received on debt-financed stock acquired after July 18, 1984, are not entitled to the full 70% or 80% dividends-received deduction. The 70% or 80% deduction is reduced by a percentage that is related to the amount of debt incurred to acquire the stock. See section 246A. Also see section 245(a) before making this computation for an additional limitation that applies to dividends received from foreign corporations. Attach a schedule showing how the amount on line 3, column (c), was figured.

**Line 4, column (a).** Enter dividends received on the preferred stock of a less-than-20%-owned public utility that is subject to income tax and is allowed the deduction provided in section 247 for dividends paid.

**Line 5, column (a).** Enter dividends received on the preferred stock of a 20%-or-more-owned-public utility that is subject to income tax and is allowed the deduction provided in section 247.

**Line 6, column (a).** Enter the U.S. source portion of dividends that:

- Are received from less-than-20%-owned foreign corporations, and

- Qualify for the 70% deduction under section 245(a). To qualify for the 70% deduction, the corporation must own at least 10% of the stock of the foreign corporation by vote and value.

Also include dividends received from a less-than-20%-owned FSC that are:

- Attributable to income treated as effectively connected with the conduct of a trade or business within the U.S. (excluding foreign trade income), and
- Qualify for the 70% deduction provided in section 245(c)(1)(B).

**Line 7, column (a).** Enter the U.S.-source portion of dividends received from 20%-or-more-owned foreign corporations that qualify for the 80% deduction under section 245(a). Also include dividends received from a 20%-or-more-owned FSC that:

- Are attributable to income treated as effectively connected with the conduct of a trade or business within the U.S. (excluding foreign trade income), and
- Qualify for the 80% deduction provided in section 245(c)(1)(B).

**Line 8, column (a).** Enter dividends received from wholly owned foreign subsidiaries that are eligible for the 100% deduction under section 245(b).

In general, the deduction under section 245(b) applies to dividends paid out of the earnings and profits of a foreign corporation for a tax year during which:

- All of its outstanding stock is owned (directly or indirectly) by the domestic corporation receiving the dividends, and
- All of its gross income from all sources is effectively connected with the conduct of a trade or business within the United States. Do not include dividends received from a life insurance company.

**Line 9, column (a).** Enter only those dividends that qualify under section 243(b) for the 100% dividends-received deduction described in section 243(a)(3). Corporations taking this deduction are subject to the provision of section 1561. Do not include dividends received from a LIC.

**Note:** *The 100% deduction does not apply to affiliated group members that are joining in the filing of a consolidated return.*

**Line 10, column (c)**

**Limitation on dividends-received deduction**

Generally, line 10 of column (c) may not exceed the amount from the worksheet below. However, in a year in which a loss from operations occurs, this limitation does not apply even if the loss is created by the dividends-received deduction. (See sections 246(b) and 810.)

**Worksheet for Schedule A, line 10**

*(Keep for your records.)*

1. Add lines 8 and 25, page 1, less the total of lines 9 through 18, page 1, and without: the small LIC deduction, the operations loss deduction, the dividends-received deduction (sections 243(a)(1), 244(a), and 245), any adjustment under section 1059, and any capital loss carryback to the current tax year (section 1212(a)(1)). \_\_\_\_\_
2. Add lines 9 and 13, column (c) \_\_\_\_\_
3. Subtract line 2 from line 1 \_\_\_\_\_
4. Multiply line 2 from line 1 \_\_\_\_\_
5. Add lines 2, 5, 7, and 8, column (c) and the portion of the deduction on line 3, column (c) that is attributable to dividends received from 20%-or-more-owned corporations..... \_\_\_\_\_
6. Enter the smaller of line 4 or line 5. (If line 5 is greater than line 4, stop here and enter the amount from line 6 on line 10, column (c)). Do not complete the rest of worksheet \_\_\_\_\_
7. Enter the total amount of dividends from 20% - or - more - owned corporations that are included on lines 2, 3, 5, 7, and 8 of column (a)... \_\_\_\_\_
8. Subtract line 7 from line 3 \_\_\_\_\_
9. Multiply line 8 by 70% \_\_\_\_\_
10. Subtract line 5 above from line 10 of column (c) \_\_\_\_\_
11. Enter the smaller of line 9 or line 10... \_\_\_\_\_
12. **Dividends-received deduction after limitation (section 246(b)).** Add lines 6 and 11. Enter the result here and on line 10, column (c) \_\_\_\_\_

**Line 13, column (a).** Enter dividends that qualify for the 100% dividends-received deduction and that are not reported on line 8 or 9 because they were not distributed out of tax-exempt interest or out of dividends that do not qualify as 100% dividends, or because they were paid by a LIC.

**Note:** *Certain dividends received by a foreign corporation are not subject to proration. Attach a schedule showing computations.*

**Line 14, column (a).** Include the following:

1. Foreign dividends not reportable on lines 6, 7, 8, or 13. Include on line 14 the corporation's share of the ordinary earnings of a qualified electing fund from Form 8621, line 1c. Exclude distributions of amounts constructively taxed in the current year or in prior years under subpart F (sections 951 through 964).
2. Income constructively received from controlled foreign corporations under Subpart F. This amount should equal the total Subpart F income reported on Schedule I, Form 5471.
3. Gross-up of dividends for taxes deemed paid under sections 902 and 960.
4. Dividends (other than capital gain and exempt-interest dividends) received from regulated investment companies that do not qualify for the dividends-received deduction.
5. Dividends from tax-exempt organizations.
6. Dividends (other than capital gain dividends) received from a real estate investment trust that, for the tax year of the trust in which the dividends are paid, qualify under sections 856 through 860.

7. Dividends not eligible for the dividends-received deduction because of the holding period of the stock or an obligation to make corresponding payments with respect to similar stock.

Two situations in which the dividends-received deduction will not be allowed on any share of stock are:

- If the corporation held it for less than 46 days before the 90-day period beginning 45 days during the stock became ex-dividend with respect to the dividend. (See section 246(c)(1)(A)); or
- To the extent that the corporation is under an obligation to make related payments for substantially similar or related property.

8. Any other taxable dividend income not properly reported above, including distributions under section 936(h)(4).

**Note:** For dividends received or accrued after September 4, 1997, the corporation is not entitled to a dividends-received deduction if it held the stock. See the transition rules in Act section 1015(c)(2) of the Taxpayer Relief Act of 1997.

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## Schedule B — Gross Investment Income

**Line 1. Interest.** Enter the total taxable interest received or accrued during the tax year, less any amortization of premium, plus any accrual of discount required by section 811(b). Generally, the appropriate amortization of premium and accrual of discount for the tax year on bonds, notes, debentures, or other evidence of indebtedness held by a LIC should be determined:

1. Under the method regularly employed by the company, if reasonable, and

2. In all other cases, under the regulations.

For bonds (as defined in section 171(d)) issued after September 27, 1985, the appropriate amount of amortization of premium must be determined using the yield to maturity method described in section 171(b)(3). Market discount is not required to be accrued under section 811(b). Attach a statement showing the method and computation used.

**Note:** The 1996 Act repealed section 133, which provided for the 50 percent interest income exclusion with respect to ESOP loans. The Act also repealed section 812(g), which provided for the exclusion of interest income from ESOP loans for company/policyholder proration. The repeal of these exclusions is effective for ESOP loans made after August 20, 1996. See Act section 1602 for special rules for binding contract agreements in effect prior to June 10, 1996 and certain refinancings made after August 20, 1996.

**Line 3. Gross rents.** Enter the gross rents received or accrued during the tax year. Related expenses, such as repairs, taxes, and depreciation should be

reported as "Other deductions" on line 18, page 1.

**Line 4. Gross royalties.** Enter the gross royalties received or accrued during the tax year. Report the depletion deduction on line 18, page 1.

**Line 5. Leases, terminations, etc.** Enter the gross income received from entering into, altering, or terminating any lease, mortgage, or other instrument from which the corporation derives interest, rents, or royalties.

**Line 6. Excess of net short-term capital gain over net long-term capital loss.** See the instructions for line 5, page 1, for a definition of capital assets.

**Line 7. Gross income from a trade or business other than insurance.** Enter the gross income from a trade or business other than insurance carried on by the LIC, or by a partnership of which the LIC is a partner. Include section 1245, section 1250, and other ordinary gains on assets used in a noninsurance business from Form 4797. Report expenses related to any trade or business other than insurance on line 18, page 1.

**Line 9. Tax-exempt interest.** Enter the total tax-exempt interest income received or accrued during the tax year.

**Line 10. The increase in policy cash value of section 264(f) policies as defined in section 805(a)(4)(F).** Enter the total increase in policy cash value of section 264(f) policies as defined in section 805(a)(4)(F).

**Note:** Generally, this applies to contracts issued after June 8, 1997, in tax years ending after that date. However, it also applies to contracts issued prior to June 9, 1997 that have been subject to a material increase in death benefits or other material change. See section 1084(d) of the Taxpayer Relief Act of 1997.

**Line 12. 100% qualifying dividends.** Enter the total amount of dividends if the percentage used to determine the deduction allowable under sections 243, 244, and 245(b) is 100%. Do not include dividends to the extent they are funded with tax-exempt interest or dividends that would not qualify as 100% dividends in the hands of the corporation. See section 812(e).

**Note:** Multi-tiered corporate arrangements cannot be used to change the character of the tax-exempt interest and dividends received in an attempt to avoid exclusion.

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## Schedule C — Differential Earnings Amount

The differential earnings rate and the recomputed differential earnings rate for each tax year are computed by the Secretary on the basis of information submitted by the 50 largest domestic stock LICs and all mutual LICs. Neither rate can be negative. See Regulations section 1.809-9.

The differential earnings rate for 1997 is zero. The recomputed differential earnings rate for 1996 is zero. See Rev. Rul. 98-38, 1998-32 I.R.B. 4.

The differential earnings amount is figured by:

1. Multiplying the average equity base (line 12, Schedule C)

2. By the differential earnings rate.

Enter the result on line 13, Schedule C. Because the differential earnings rate for 1997 was zero, enter -0- on line 13, Schedule C. When determining the equity base, no item should be taken into account more than once.

See section 809 for more information.

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## Schedule E — Policyholder Dividends

A **policyholder dividend** is any dividend or similar distribution to policyholders in their capacity as such. Policyholder dividends include all amounts paid or credited (including an increase in benefits) where the amount is not fixed in the contract but depends on the corporation's experience or management's discretion, plus all excess interest, premium adjustments, and experience-rated refunds. Also, under section 808(e), any policyholder dividend which increases either the cash surrender value of the contract or other benefits payable under the contract, or which reduces the premium that otherwise has to be paid, is treated as having been paid to and returned by the policyholder to the company as a premium. When this happens, these amounts must be included in income on line 1, page 1.

Generally, a deduction for policyholder dividends is the amount actually paid or accrued during the tax year. However, mutual LICs must reduce this amount (but not below zero) by the differential earnings amount. If a mutual LIC's differential earnings amount exceeds total policyholder dividends for the tax year, the company must reduce its ending reserves by the amount of the excess.

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## Schedule F — Increase (Decrease) in Reserves and Company/Policyholder Share

Schedule F is used to compute:

1. The company's share percentage used in determining the company's share of the dividends-received deduction under section 805(a)(4);

2. The policyholders' share percentage used in determining the policyholders' share of tax-exempt interest for determining the increase or decrease in reserves under section 807 (and the increase in policy cash value of section 264(f) policies as defined in section 805(a)(4)(F)); and

3. To determine if, under section 807, certain reserves decreased or increased

for the tax year. A net decrease will be includible in gross income, while a net increase will be a deduction in computing LICTI.

The net increase or net decrease in reserves is figured by comparing the opening balance for reserves to the closing balance for reserves reduced by:

1. The policyholders' share of tax-exempt interest (and the increase in policy cash value of section 264(f) policies as defined in section 805(a)(4)(F)), and
2. For mutual LICs, the excess, if any (shown on line 8, Schedule E) of the differential earnings amount over deductible policyholder dividends determined without regard to section 809. For rules dealing with the method of computing reserves on contracts where interest is guaranteed beyond the end of the tax year, see section 811(d).

Reserve adjustments are not treated as interest expenses for allocation purposes under section 864(c). See section 818(f).

There are special rules for computing reserves of unearned premiums of certain non-life contracts. See section 807(e)(7)(A).

**Note:** *If the basis for determining the amount of any item referred to in section 807(c) (life insurance reserves, etc.) at the end of the tax year differs from the basis for the determination at the beginning of the tax year, see section 807(f).*

**Line 1. Life insurance reserves.** For rules dealing with the method of computing life insurance reserves, see sections 807(d) and (e). Section 807(d)(2)(B) provides that the interest rate used to compute life insurance reserves is the greater of the applicable Federal interest rate (AFIR) or the prevailing state assumed interest rate (SAIR). See Rev. Rul. 97-2, 1997-1 C.B. 134. For modified guaranteed contracts described in section 817A, see Notice 97-32, 1997-1 C.B. 420.

**Line 2. Unearned premiums and unpaid losses.** For sections 807 and 805(a)(1), the amount of the unpaid losses (other than losses on life insurance contracts) must be the amount of the discounted unpaid losses determined under section 846.

Section 846 provides that the amount of the discounted unpaid losses must be computed separately by each line of business (multiple peril lines must be treated as a single line of business) and by each accident year and must be equal to the present value of those losses determined by using the:

1. Amount of the undiscounted unpaid losses;
2. Applicable interest rate; and
3. Applicable loss payment pattern.

Special rules apply with respect to unpaid losses related to disability insurance (other than credit disability insurance), noncancelable accident and health insurance, cancelable accident and health insurance, and to the international

and reinsurance lines of business. With regard to the special rules for discounting unpaid losses on accident and health insurance (other than disability income insurance), unpaid losses are assumed to be paid in the middle of the year following the accident year.

Generally, the amount of undiscounted unpaid losses means the unpaid losses shown in the annual statement. The amount of discounted unpaid losses with respect to any line of business for an accident year cannot exceed the total amount of unpaid losses with respect to any line of business for an accident year as reported on the annual statement.

The applicable interest rate for each calendar year and the applicable loss payment pattern for each accident year for each line of business are determined by the Secretary. The applicable interest rate and loss payment patterns for 1998 will be published in the Internal Revenue Bulletin when available.

Section 846(e) allows corporations having sufficient historical experience to determine a loss payment pattern to elect, under certain circumstances, to use their own historical experience. If this election is made, the loss payment patterns will be based on the most recent calendar year for which an annual statement was filed before the beginning of the accident year. The election will not apply to any international or reinsurance line of business. If the corporation makes this election, check the "Yes" column for question 12 in Schedule M, Other Information. For more information, see section 846(e), Regulations section 1.846-2, and Rev. Proc. 92-76, 1992-2 C.B. 453.

Section 807(d)(4)(A)(ii) permits an election to recompute the Federal interest rate every 5 years. In general, a LIC would apply the greater of the AFIR or the SAIR for the calendar year in which the contract is issued and the following 4 calendar years. In the fifth calendar year after the calendar year in which the contract was issued, the LIC would begin using the AFIR in effect for that fifth calendar year or the prevailing SAIR for the calendar year in which the contract was issued, whichever is greater. This rate would then remain in effect for the 4 years after that. For each subsequent 5 year period, a similar recomputation would be required. Once made, the election is effective for contracts issued during that calendar year and any subsequent years, and may only be revoked with the consent of the Secretary.

**Line 3. Supplementary contracts.** Enter the amount (discounted at the appropriate rate of interest) necessary to satisfy the obligations under insurance and annuity contracts, but only if the obligations do not involve (at the time the computation is made) life, accident, or health contingencies.

For this item, the appropriate rate of interest is the higher of the prevailing SAIR at the time the obligation first did not

involve life, accident, or health contingencies or the rate of interest assumed by the corporation (at that time) in determining the guaranteed benefit. In no case, however, may the amount so determined for any contract be less than the net surrender value of the contract.

**Line 4. Dividend accumulations and other amounts.** Enter the total dividend accumulations and other amounts held at interest in connection with insurance and annuity contracts.

**Line 5. Advance premiums.** Enter the total premiums received in advance and liabilities for premium deposit funds. See section 807(e)(7)(A) for special rules for treatment of certain non-life reserves.

**Line 6. Special contingency reserves.** Enter the total reasonable special contingency reserves under contracts of group term life insurance or group accident and health insurance which are established and maintained for the provision of insurance on retired lives, premium stabilization, or for a combination thereof.

**Line 8. Increase (decrease) in reserves.** In figuring the amount shown on line 8, any decrease in reserves must be computed without any reduction of the closing balance of section 807 reserves by the policyholders' share of tax-exempt interest. See the instructions for line 2, page 1.

**Note:** *In figuring the company's and policyholders' share percentages, carry the computations to enough decimal places to ensure substantial accuracy and to eliminate any significant error in the resulting tax.*

**Lines 9 and 12.** Do not include any of the interest income received on an ESOP loan made prior to August 21, 1996. For binding contract and refinancing rules, see Act section 1602 (1996 Act).

**Line 13.** Do not include the exempt portion of any of the interest income received on an ESOP loan made prior to August 21, 1996. For binding contract and refinancing rules, see 1996 Act section 1602.

**Line 16.** In computing the amount entered on line 16, any decrease in reserves must be figured without any reduction of the closing balance of section 807 reserve items by the policyholders' share of tax-exempt interest.

**Line 28.** Multiply gross investment income (line 9) by 90% or, in the case of gross investment income related to assets held in segregated asset accounts under variable contracts, by 95%. Enter the result on line 28.

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## Schedule G — Policy Acquisition Expenses

For purposes of section 848(b), all LIC members of the same controlled group are treated as one company. Any deduction determined for the group must be allocated among the LICs in the group

in such a manner as the Secretary may prescribe.

**Line 1. Gross premiums and other consideration.** Generally, gross premiums and other consideration, is the total of:

1. All premiums and other consideration (other than amounts on reinsurance agreements), and

2. Net positive consideration for any reinsurance agreement (see Regulations section 1.848-2(b)).

Include on this line:

- Advanced premiums;
- Amounts in a premium deposit fund or similar account, as permitted by Regulations section 1.848-2(b)(3);
- Fees;
- Assessments;
- Amounts that the insurance company charges itself representing premiums with respect to benefits for its employees (including full-time insurance salesmen treated as employees under section 7701(a)(20)); and
- The value of a new contract issued in an exchange described in Regulations section 1.848-2(c)(2) or (3).

**Line 2. Return premiums and premiums and other consideration incurred for reinsurance.** For purposes of section 848(d)(1)(B) and Regulations section 1.848-2(e), **return premiums** means amounts (other than policyholder dividends or claims and benefit payments) returned or credited to the policyholder. See Regulations sections 1.848-2(f) and 1.848-3 for how to treat amounts returned to another insurance company under a reinsurance agreement.

**Line 5.** The entries in columns 5(a), (b), or (c) may be positive or negative.

**Line 6.** If the sum of columns 5(a), (b), and (c) is negative, enter this sum on line 6. The result is a negative capitalization amount under section 848(f).

**Line 8.** If the amount on line 6 is negative, or if the unused balance of negative capitalization amounts from prior years (line 7) exceeds the positive amount on line 6, enter zero on line 8.

**Line 9. General deductions.** These deductions are under sections 161 through 198, relating to itemized deductions, and sections 401 through 424, relating to pension, profit sharing, stock bonus plans, etc. Also include on this line, ceding commissions incurred for the reinsurance of a specified insurance contract. Do not include amortization deductions of specified policy acquisition expenses under sections 848(a) or (b). Skip line 9 if the corporation has elected out of the general deductions limitation. See Regulations section 1.848-2(g)(8).

**Note:** *If interest expense is included on line 9, do not also include it on page 1, line 15a.*

**Line 16. Phase-out amount.** The amount of amortization for members of a controlled group and the phase-out of the

group's specified policy acquisition expenses under section 848(b) must be allocated to each member in proportion to that member's specified policy acquisition expenses for the taxable year.

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## Schedule H — Small Life Insurance Company Deduction

To qualify for the small LIC deduction, a LIC must have less than:

1. \$15 million of tentative LICTI, and
2. \$500 million in assets.

The deduction for qualifying small LICs is 60% of the first \$3 million of tentative LICTI for the tax year. If tentative LICTI exceeds \$3 million, the deduction is phased out. The reduction in the deduction is equal to 15% of the tentative LICTI for the tax year that exceeds \$3 million.

In computing the small LIC deduction, all LIC members of the same controlled group are treated as one company. Any small LIC deduction determined for the group must be allocated among the LICs in the group in proportion to their respective tentative LICTIs.

Do not include any items from noninsurance businesses when figuring tentative LICTI for purposes of computing the small LIC deduction.

**Noninsurance business** generally means any activity which is not an insurance business. However, under section 806(b)(3)(B), any activity which is not an insurance business shall be treated as an insurance business if:

1. it is of a type traditionally carried on by LICs for investment purposes, but only if the carrying on of the activity (other than real estate) does not constitute the active conduct of a trade or business, or
2. it involves the performance of administrative services in connection with plans providing life insurance, pension, or accident and health benefits.

For the assets test, the assets of all members of a controlled group, as defined in section 806(c)(3), must be included, whether or not they are LICs. For information regarding the valuation of assets, see the instructions for Schedule L, Part I.

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## Schedule I — Limitation on Noninsurance Losses

Section 806(b)(3)(C) provides that, in computing LICTI, any loss from noninsurance business is limited to:

- The smaller of 35% of the loss **OR**
- 35% of LICTI (computed by excluding any noninsurance loss included in arriving at LICTI on line 24, page 1).

For more information on either the computation of the allowable loss deduction or on applicable carryback provisions, see section 1503(c).

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## Schedule J, Part I — Shareholders Surplus Account

Any stock LIC that had a policyholders surplus account (PSA) on December 31, 1983, will continue to maintain a shareholders surplus account (SSA). See section 815(c)(1) for more information.

**Line 2d.** Do not include the increase in cash value for section 264(f) policies.

**Line 4.** In figuring the tax liability shown on line 4, adjustments must be made for any year in which the alternative minimum tax is imposed or the minimum tax credit has been taken.

**Line 6.** Enter all amounts treated under section 815 as distributions to shareholders. Any distribution to shareholders is treated as having been made first out of the SSA, to the extent thereof.

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## Schedule J, Part II — Policyholders Surplus Account

Every stock LIC that had an existing PSA on December 31, 1983, will continue to maintain the account. See section 815(d)(1). While no additions can be made to this account, it must be decreased by amounts specified in section 815(d)(3). Also, section 815(f) provides that, in general, the provisions of subsections (d), (e), (f), and (g) of section 815 as in effect before the enactment of the Tax Reform Act of 1984 ("Act of 1984") continue to apply to any PSA that had a balance as of December 31, 1983.

Amounts subtracted from the PSA for a tax year are added to LICTI and are subject to tax under section 801.

**Line 8.** If the balance at the end of the preceding tax year differs from the balance at the beginning of the current tax year (for example, due to section 815(d)(5) as in effect prior to the Act of 1984), attach a schedule showing the adjustments made. Prior to the Act of 1984, section 815(d)(5) provided that if any addition to the PSA increases or creates a loss from operations and part or all of the loss cannot be used in any other year to reduce the LIC's taxable income, then the loss will reduce the PSA at the time that the addition was made. In this case, the beginning balance of the PSA must be adjusted before any subtractions for the current tax year are made.

**Line 9a.** If the total direct and indirect distributions to shareholders during the tax year exceeds the amount on Schedule J, Part I, line 5, enter the excess on line 9a.

**Line 9b.** To figure the tax increase due to the amount entered on line 9a:

1. Subtract the corporation's tax rate from 100%

2. Divide the distributions on line 9a by the result of step 1;

3. Subtract the amount on line 9a from the result of step 2; and

4. Enter the result of step 3 on line 9b.

**Line 9c.** To figure the amount to enter on line 9c:

1. Determine the total amount to be subtracted from the PSA under sections 815(d)(1) and 815(d)(4) as in effect prior to the Act of 1984 (do this only after the amounts on lines 9a and 9b are subtracted from the beginning balance in the PSA);

2. Add 100% to the corporation's tax rate;

3. Divide the result of step 1 by the result of step 2; and

4. Enter the result of step 3 on line 9c. The amount entered on line 9c must be added to the SSA at the beginning of the next tax year.

**Line 9d.** Subtract the result of step 3, line 9c, from the result of step 1, line 9c. Enter the result on line 9d.

**Line 9e.** Enter the total amount to be subtracted from the PSA under section 815(d)(2) as in effect prior to the Act of 1984. At that time, section 815(d)(2) provided that if, for any tax year, a corporation was not an insurance company, or if for any two successive tax years a corporation was not a LIC, then any balance remaining in the PSA at the end of the last tax year that the corporation was a LIC must be included in taxable income for that tax year.

## Schedule K — Tax Computation

**Note:** Members of a controlled group must attach a statement showing the computation of the tax entered on line 3.

### Lines 1 and 2

**Members of a controlled group.** A member of a controlled group, as defined in section 1563, must check the box on line 1 and complete lines 2a and 2b.

### Line 2a

Members of a controlled group are entitled to one \$50,000, one \$25,000, and one \$9,925,000 taxable income bracket amount (in that order) on line 2a.

When a controlled group adopts or later amends an apportionment plan, each member must attach to its tax return a copy of its consent to this plan. The copy (or an attached statement) must show the part of the amount in each taxable income bracket apportioned to that member. See Regulations section 1.1561-3(b) for other

requirements and for the time and manner of making the consent.

**Equal apportionment plan.** If no apportionment plan is adopted, members of a controlled group must divide the amount in each taxable income bracket equally among themselves. For example, Controlled Group AB consists of Corporation A and Corporation B. They do not elect an apportionment plan. Therefore, each corporation is entitled to: \$25,000 (one-half of \$50,000) on line 2a(1); \$12,500 (one-half of \$25,000) on line 2a(2); and \$4,962,500 (one-half of \$9,925,000) on line 2a(3).

**Unequal apportionment plan.** Members of a controlled group may elect an unequal apportionment plan and divide the taxable income brackets as they want. There is no need for consistency among taxable income brackets. Any member may be entitled to all, some, or none of the taxable income bracket. However, the total amount for all members of the controlled group cannot be more than the total amount in each taxable income bracket.

### Line 2b

Members of a controlled group are treated as one group to figure the applicability of the additional 5% tax and the additional 3% tax. If an additional tax applies, each member will pay that tax based on the part of the amount used in each taxable income bracket to reduce that member's tax. See section 1561(a). If an additional tax applies, attach a schedule showing the taxable income of the entire group and how the corporation figured its share of the additional tax.

**Line 2(b)(1).** Enter the corporation's share of the additional 5% tax on line 2b(1).

**Line 2(b)(2).** Enter the corporation's share of the additional 3% tax on line 2b(2).

### Line 3

Most corporations figure their tax by using the Tax Rate Schedule below. Exceptions apply to members of a controlled group. See the instructions below the Tax Rate Schedule and the worksheet below for more information.

### Tax Rate Schedule

If the amount on line 27, page 1 is:

Over—	But not over—	Its tax is:	Of the amount over—
0	\$50,000	15%	0
\$50,000	75,000	\$ 7,500 + 25%	\$50,000
75,000	100,000	13,750 + 34%	75,000
100,000	335,000	22,250 + 39%	100,000
335,000	10,000,000	113,900 + 34%	335,000
10,000,000	15,000,000	3,400,000 + 35%	10,000,000
15,000,000	18,333,333	5,150,000 + 38%	15,000,000
18,333,333	-----	35%	0

## Tax Computation Worksheet for Members of a Controlled Group (Keep for your records)

**Note:** Each member of a controlled group must compute the tax using this worksheet.

1. Enter taxable income (line 27, page 1).....
2. Enter line 1 or the corporation's share of the \$50,000 taxable income bracket, whichever is less.....
3. Subtract line 2 from line 1.....
4. Enter line 3 or the corporation's share of the \$25,000 taxable income bracket, whichever is less.....
5. Subtract line 4 from line 3.....
6. Enter line 5 or the corporation's share of the \$9,925,000 taxable income bracket, whichever is less.....
7. Subtract line 6 from line 5.....
8. Multiply line 2 by 15%.....
9. Multiply line 4 by 25%.....
10. Multiply line 6 by 34%.....
11. Multiply line 7 by 35%.....
12. If the taxable income of the controlled group exceeds \$100,000, enter this member's share of the smaller of: 5% of the taxable income in excess of \$100,000, or \$11,750. (See instructions for line 2b above).....
13. If the taxable income of the controlled group exceeds \$15 million, enter this member's share of the smaller of: 3% of the taxable income in excess of \$15 million, or \$100,000. (See instructions for line 2b above).....
14. Add lines 8 through 13. Enter here and on line 3, Schedule K.....

**Note:** Gain recognized by a LIC from the redemption of market discount bond issued before July 19, 1984, and acquired on or before September 25, 1985, is taxed at a rate of 31.6% only if it is less than the tax that otherwise would be imposed. See section 1011(d) of the Tax Reform Act of 1986 as amended by The Technical and Miscellaneous Revenue Act of 1988. Write on the dotted line to the left of line 3, "Tax differential rate of 31.6% used" and the amount.

**Deferred tax under section 1291.** If the corporation was a shareholder in a passive foreign investment company (PFIC), and the corporation received an excess distribution or disposed of its investment in the PFIC during the year, it must include the total increase in taxes due under section 1291(c)(2) in the amount to be entered on line 3. Write on the dotted line to the left of line 3, "Sec. 1291" and the amount.

Do not include on line 3 any interest due under section 1291(c)(3). Instead, show the amount of interest owed in the bottom margin of page 1, Form 1120-L and write "Section 1291 interest." For details, see **Form 8621**, Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund.

**Additional tax under section 197(f).** A corporation that elects to pay tax on the gain from the sale of an intangible under the related person exception to the anti-churning rules, should include any additional tax due under section

197(f)(9)(B) in the amount entered on line 3. On the dotted line next to line 3, write "Section 197" and the amount. For more information, see **Pub. 535**, Business Expenses.

**Line 4a. Foreign tax credit.** To find out when a corporation can take this credit for payment of income tax to a foreign country or U.S. possession, see **Form 1118**, Foreign Tax Credit—Corporations.

#### Line 4b. Other Credits

**Possessions tax credit.** The Small Business Job Protection Act of 1996 repealed the possessions credit. However, existing credit claimants may qualify for a credit under the transitional rules. Get **Form 5735**, Possessions Corporation Tax Credit (under sections 936 and 30A).

**Nonconventional source fuel credit.** A credit is allowed for the sale of qualified fuels produced from a nonconventional source. Section 29 contains a definition of qualified fuels, provisions for figuring the credit, and other special rules. Attach a separate schedule to the return showing the computation of the credit.

**Qualified electric vehicle (QEV) credit.** Include on line 4b any credit from **Form 8834**, Qualified Electric Vehicle Credit. Vehicles that qualify for this credit are not eligible for the deduction for clean-fuel vehicles under section 179A.

#### Line 4c. General business credit

Complete this line if the corporation can take any of the following credits. Complete **Form 3800**, General Business Credit, if the corporation has two or more of these credits, a credit carryforward or carryback (including an ESOP credit), a trans-Alaska pipeline liability fund credit, or a passive activity credit. Enter the amount of the general business credit on line 4c, and check the box for Form 3800. If the corporation has only one credit, enter on line 4c the amount of the credit from the form. Also be sure to check the appropriate box for that form.

**Form 3468**, Investment Credit.

**Form 5884**, Work Opportunity Credit.

**Form 6478**, Credit for Alcohol Used as Fuel.

**Form 6765**, Credit for Increasing Research Activities.

**Form 8586**, Low-Income Housing Credit.

**Form 8820**, Orphan Drug Credit.

**Form 8830**, Enhanced Oil Recovery Credit.

**Form 8826**, Disabled Access Credit.

**Form 8835**, Renewable Electricity Production Credit.

**Form 8844**, Empowerment Zone Employment Credit.

**Form 8861**, Welfare-to-Work Credit.

**Note:** Although the empowerment zone employment credit is a component of the general business credit, it is figured separately and is not carried to Form 3800.

**Form 8845**, Indian Employment Credit.

**Form 8846**, Credit for Employer Social Security and Medicare Taxes Paid on Certain Employee Tips.

**Form 8847**, Credit for Contributions to Selected Community Development Corporations.

**Line 4d. Credit for prior year minimum tax.** To figure the minimum tax credit and any carryover of that credit, use **Form 8827**, Credit for Prior Year Minimum Tax—Corporations.

Also see Form 8827 if any of the corporation's 1997 nonconventional source fuel credit or qualified electric vehicle credit was disallowed solely because of the tentative minimum tax limitation. See section 53(d).

**Line 7. Foreign corporations.** A foreign corporation carrying on an insurance business in the U.S. is taxed as a domestic LIC on its income effectively connected with the conduct of a trade or business in the U.S. See sections 842 and 897, and Notice 89-96, 1989-2 C.B. 417, for more information. See Rev. Proc. 98-31, 1998-23 I.R.B. 9, for the domestic asset/liability percentages and domestic investment yields needed by foreign insurance companies to compute their minimum effectively connected net investment income under section 842(b). Income from sources outside the U.S. from U.S. business is treated as effectively connected with the conduct of a trade or business in the U.S. For a definition of effectively connected income, see sections 864(c) and 897.

Generally, any other U.S. source income received by a foreign corporation that is not effectively connected with the conduct of a business in the U.S. is taxed at 30% (or at a lower treaty rate). See section 881. If the corporation has this income, attach a schedule showing the kind and amount of income, the tax rate and the amount of tax.

**Note:** Interest received from certain portfolio debt investments that were issued after July 18, 1984, is not subject to the tax.

Additional taxes resulting from the net investment income adjustment may offset a corporation's 30% tax on U.S. source income. The tax reduction is determined by multiplying the 30% tax by the ratio of the amount of income adjustment to income subject to the 30% tax, computed without the exclusion for interest on state and local bonds or income exempted from taxation by treaty (section 842(c)(2)). Attach a statement showing how the reduction of section 881 tax was figured. Enter the net tax imposed by section 881 on line 7.

**Note:** Section 842(c)(1) requires that foreign LICs make the investment income adjustment before claiming a small LIC deduction.

Foreign mutual LICs are required to determine the amount of their policyholder dividends deduction by increasing their yearend equity base (under section 809)

by the excess of their required U.S. assets over the mean of the assets held in the U.S. during that year. See section 842(c)(3).

**Note:** Section 953(d) allows a foreign LIC to elect to be taxed as a domestic corporation. If this election is made, include the additional tax required to be paid, on line 12. Write on the dotted line to the left of line 12, "Sec. 953(d)" and the amount. See section 953(d) for more details.

#### Line 8. Recapture taxes

**Recapture of investment credit.** If the corporation disposed of investment credit property or changed its use before the end of its useful life or recovery period it may owe a tax. See **Form 4255**, Recapture of Investment Credit, for details.

**Recapture of low-income housing credit.** If the corporation disposed of property (or there was a reduction in the qualified basis of the property) for which it took the low-income housing credit, it may owe a tax. See **Form 8611**, Recapture of Low-Income Housing Credit.

**Recapture of Indian employment credit.** Generally, if an employer terminates the employment of a qualified employee less than 1 year after the date of initial employment, any Indian employment credit allowed for a prior tax year by reason of wages paid or incurred to that employee must be recaptured. For details, see Form 8845 and section 45A. Include the amount of the recapture in the total for line 8, Schedule K. On the dotted line next to the entry space, write "45" and the amount.

**Recapture of qualified electric vehicle (QEV) credit.** The corporation must recapture part of the QEV credit it claimed in a prior year, if, within 3 years of the date the vehicle was placed in service, it ceases to qualify for the credit. See Regulations section 1.30-1 for details on how to figure the recapture. Include the amount of the recapture in the total for line 8, Schedule K. On the dotted line next to the entry space, write "QEV recapture" and the amount.

#### Line 9. Alternative minimum tax

The corporation may owe the alternative minimum tax if it has any of the adjustments and tax preference items listed on **Form 4626**, Alternative Minimum Tax—Corporations. The corporation must file Form 4626 if its taxable income (loss) combined with these adjustments and tax preference items is more than the smaller of:

- \$40,000, or
- The corporation's allowable exemption amount (from Form 4626).

Reduce alternative minimum tax by any amount from line 37, Schedule A, Form 3800, (or line 23, Form 8844). On the dotted line to the left of line 9, write "Sec. 38(c)(2) (or 'EZE' if from Form 8844)" and the amount(s).

**Note:** See section 56(g)(4)(B)(ii) for special rules for LICs for the computation of adjusted current earnings.

**Exception for small corporation.** For tax years beginning after December 31, 1997, the alternative minimum tax does not apply to corporations that qualify as "small corporations." Generally, a corporation qualifies as a small corporation if:

- Its average annual gross receipts for its 1994, 1995, and 1996 tax years did not exceed \$5 million, and
- Its average annual gross receipts for its 1995, 1996, and 1997 tax years did not exceed \$7.5 million.

If 1998 is the first tax year of a corporation's existence, it is treated as a small corporation, regardless of its gross receipts for the year. For more information, see Form 4626.

### Line 11

Enter the amount of any credit from **Form 8860**, Qualified Zone Academy Bond Credit.

### Line 12. Total tax

Other tax and interest amounts may be included in or subtracted from the total tax reported on line 12.

**Amounts to include** in the total on line 12.

- Interest on deferred tax attributable to certain nondealer installment obligations (section 453A(c))
- For shareholders in qualified electing funds, deferred tax due upon the termination of a section 1294 election (see Form 8621, Part V)

**Amount to subtract** from the total for line 12:

- Deferred tax on the corporation's share of the undistributed earnings of a qualified electing fund (see Form 8621, Part II)

**How to Report.** Attach a schedule showing your computation of each item included in or subtracted from the total for line 12. On the dotted line next to line 12, enter the amount of tax or interest and:

- Identify it as tax or interest
- Specify the code section that applies.

**Example.** To show \$50 of interest due on deferred tax from the installment sale of a timeshare, write "Sec. 453(l)(3) interest - \$50."

If you figured the tax or interest using another form (e.g., Form 8621), see the instructions for that form to find out how to report the amount and what to write on Schedule J, line 12.

## Schedule L

All filers must complete Parts I and II of Schedule L.

**Note:** Foreign LICs should report assets and insurance liabilities for their U.S. business only.

## Part I — Total Assets

For Schedule L, **assets** means all assets of the corporation. In valuing real property and stocks, use fair market value; for other assets, use the adjusted basis as determined under section 1011, and related sections, without regard to section 818(c). An interest in a partnership or trust is not itself treated as an asset of the corporation. Instead, the corporation is treated as actually owning its proportionate share of the assets held by the partnership or trust. The value of the corporation's share of these assets should be listed on line 3.

## Part II — Total Assets and Total Insurance Liabilities

Foreign LICs must maintain a minimum surplus of U.S. assets over their U.S. insurance liabilities. The minimum required surplus is determined by multiplying their U.S. insurance liabilities by a percentage determined by the Secretary. The Secretary determines the percentage from data supplied by domestic LICs in Schedule L, Part II. See section 842.

For Schedule L, **total insurance liabilities** means the sum of the following amounts as of the end of the tax year:

- (1) Total reserves as defined in section 816(c); plus
- (2) The items referred to in paragraphs (3), (4), (5), and (6) of section 807(c), to the extent such amounts are not included in total reserves.

Foreign LICs, see Notice 89-96 for more information on determining total insurance liabilities on U.S. business.

## Schedule M — Other Information

The following instructions apply to questions 1 through 16 on page 8, Form 1120-L. Be sure to answer the questions that apply to the corporation.

**Question 6.** Check the "Yes" box for question 6 if either 1 or 2 below applies to the corporation:

1. The corporation is a subsidiary in an affiliated group (defined below), but is not filing a consolidated return for the tax year with that group.

2. The corporation is a subsidiary in a parent-subsidiary controlled group (defined below).

Any corporation that meets either of the requirements above should check the "Yes" box. This applies even if the corporation is a subsidiary member of one group and the parent corporation of another.

**Note:** If the corporation is an "excluded member" of a controlled group (see section 1563(b)(2)), it is still considered a member of a controlled group for this purpose.

### Affiliated group. Affiliated group

means one or more chains of includible corporations (section 1504(a)) connected through stock ownership with a common parent corporation. The common parent must be an includible corporation and the following requirements must be met:

1. The common parent must own directly stock that represents at least 80% of the total voting power and at least 80% of the total value of the stock of at least one of the other includible corporations.

2. Stock that represents at least 80% of the total voting power, and at least 80% of the total value of the stock of each of the other corporations (except for the common parent) must be owned directly by at least one of the other includible corporations.

For this purpose, **stock** generally does not include any stock that:

1. is nonvoting,
2. is nonconvertible,
3. is limited and preferred as to dividends and does not participate significantly in corporate growth, and
4. has redemption and liquidation rights that do not exceed the issue price of the stock (except for a reasonable redemption or liquidation premium). See section 1504(a)(4).

### Parent-subsidiary controlled group.

The term **parent-subsidiary controlled group** means one or more chains of corporations connected through stock ownership (section 1563(a)(1)). Both of the following requirements must be met:

1. 80% of the total combined voting power of all classes of stock entitled to vote or at least 80% of the total value of all classes of stock of each corporation in the group (except the parent) must be owned by one or more of the other corporations in the group.

2. The common parent must own at least 80% of the total combined voting power of all classes of stock entitled to vote or at least 80% of the total value of all classes of stock of at least one of the other corporations in the group. Stock owned directly by other members of the group is not counted when computing the voting power or value.

See section 1563(d)(1) for the definition of "stock" for purposes of determining stock ownership above.

**Question 8.** Check the "Yes" box if one foreign person owned at least 25% of (a) the total voting power of all classes of stock of the corporation entitled to vote or (b) the total value of all classes of stock of the corporation.

The constructive ownership rules of section 318 apply in determining if a corporation is foreign-owned. See section 6038A(c)(5) and the related regulations.

Enter on line 8a the percentage owned by the foreign person specified in question 8. Enter on line 8b, the name of the owner's country.



**Note:** If there is more than one 25%-or-more foreign owner, complete lines 8a and 8b for the foreign person with the highest percentage of ownership.

**Foreign person.** The term **foreign person** means:

- A foreign citizen or nonresident alien.
- An individual who is a citizen of a U.S. possession (but who is not a U.S. citizen or resident).
- A foreign partnership.
- A foreign corporation.
- Any foreign estate or trust within the meaning of section 7701(a)(31).
- A foreign government (or one of its agencies or instrumentalities) to the extent that it is engaged in the conduct of a commercial activity as described in section 892.

**Owner's country.** For individuals, the term "Owner's country" means the country of residence. For all others, it is the country where incorporated, organized, created, or administered.

**Requirement to file Form 5472.** If the corporation checked "Yes" to Question 8, it may have to file Form 5472. Generally, a 25% foreign-owned corporation that had a reportable transaction with a foreign or domestic related party during the tax year must file Form 5472.

See Form 5472 for filing instructions and penalties for failure to file.

**Question 10. Foreign financial accounts.** Check the "Yes" box if either 1 or 2 below applies to the corporation; otherwise, check the "No" box:

1. At any time during the calendar year 1998 the corporation had an interest in or signature or other authority over a bank, securities, or other financial account in a foreign country; and
- The combined value of the accounts was more than \$10,000 at any time during the calendar year; and
- The account was NOT with a U.S. military banking facility operated by a U.S. financial institution.

2. The corporation owns more than 50% of the stock in any corporation that would answer "Yes" to item 1, above.

Get Form **TD F 90-22.1**, Report of Foreign Bank and Financial Accounts, to see if the corporation is considered to have an interest in or signature or other authority over a financial account in a foreign country.

If "Yes" is checked for this question, file Form TD F 90-22.1 by June 30, 1999, with the Department of the Treasury at the address shown on the form. Because Form TD F 90-22.1 is not a tax return, **do not** file it with Form 1120-L.

You may get Form TD F 90-22.1 from an IRS Distribution Center or by calling 1-800-TAX-FORM (1-800-829-3676).

Also, if "Yes" is checked for this question, write the name of the foreign country or countries. Attach a separate sheet if more space is needed.

**Question 11.** The corporation may be required to file **Form 3520**, Annual Return To Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts, if:

- It directly or indirectly transferred money or property to a foreign trust. For this purpose, any U.S. person who created a foreign trust is considered a transferor.
- It is treated as the owner of any part of the assets of a foreign trust under the grantor trust rules.
- It received a distribution from a foreign trust.

For more information, see the instructions for Form 3520.

**Note:** An owner of a foreign trust must ensure that the trust files an annual information return on Form 3520-A, Annual Information Return of Foreign Trust with a U.S. Owner. For details, see Form 3520-A.

**Question 15.** Check the box on line 15 if the corporation elects under section 810(b)(3) to forego the carryback period for an operating loss.

**Question 16.** Enter the amount of the operations loss carryover to the tax year from prior years, regardless of whether any of the loss is used to offset income on this return. The amount to enter is the

total of all operating losses generated in prior years but not used to offset income (either as a carryback or carryover) in a tax year prior to 1998. Do not reduce the amount by any OLD reported on line 20, page 1.

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**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

**Recordkeeping** ..... 87 hr., 32 min.

**Learning about the law or the form** ..... 25 hr., 53 min.

**Preparing the form** ..... 42 hr., 25 min.

**Copying, assembling, and sending the form to the IRS** ..... 4 hr., 1 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001.

**DO NOT** send the tax form to this office. Instead, see **Where To File** on page 2.