Part I. Rulings and Decisions Under the Internal Revenue Code of 1986

Section 42.—Low-Income Housing Credit


Section 280G.—Golden Parachute Payments


Section 382.—Limitation on Net Operating Loss Carryforwards and Certain Built-In Losses Following Ownership Change


Section 412.—Minimum Funding Standards


Section 467.—Certain Payments for the Use of Property or Services


Section 468.—Special Rules for Mining and Solid Waste Reclamation and Closing Costs


Section 482.—Allocation of Income and Deductions Among Taxpayers


Section 483.—Interest on Certain Deferred Payments


Section 642.—Special Rules for Credits and Deductions


Section 807.—Rules for Certain Reserves


Section 846.—Discounted Unpaid Losses Defined


Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property

(Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.)

Federal rates; adjusted federal rates; adjusted federal long-term rate and the long-term exempt rate. For purposes of sections 382, 642, 1274, 1288, and other sections of the Code, tables set forth the rates for June 2009.

Rev. Rul. 2009–16

This revenue ruling provides various prescribed rates for federal income tax purposes for June 2009 (the current month). Table 1 contains the short-term, mid-term, and long-term applicable federal rates (AFR) for the current month for purposes of section 1274(d) of the Internal Revenue Code. Table 2 contains the short-term, mid-term, and long-term adjusted applicable federal rates (adjusted AFR) for the current month for purposes of section 1288(b). Table 3 sets forth the adjusted federal long-term rate and the long-term tax-exempt rate described in section 382(f). Table 4 contains the appropriate percentages for determining the low-income housing credit described in section 42(b)(1) for buildings placed in service during the current month. However, under section 42(b)(2), the applicable percentage for non-federally subsidized new buildings placed in service after July 30, 2008, and before December 31, 2013, shall not be less than 9%. Finally, Table 5 contains the federal rate for determining the present value of an annuity, an interest for life or for a term of years, or a remainder or a reversionary interest for purposes of section 7520.
### REV. RUL. 2009–16 TABLE 1
Applicable Federal Rates (AFR) for June 2009

**Period for Compounding**

<table>
<thead>
<tr>
<th></th>
<th>Annual</th>
<th>Semiannual</th>
<th>Quarterly</th>
<th>Monthly</th>
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</thead>
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<td><strong>Short-term</strong></td>
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<td>AFR</td>
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<tr>
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<td>.98%</td>
<td>.98%</td>
<td>.98%</td>
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<tr>
<td><strong>Mid-term</strong></td>
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<td></td>
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<tr>
<td>AFR</td>
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<td>175% AFR</td>
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<td><strong>Long-term</strong></td>
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<td>5.05%</td>
<td>4.99%</td>
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</tbody>
</table>

### REV. RUL. 2009–16 TABLE 2
Adjusted AFR for June 2009

**Period for Compounding**

<table>
<thead>
<tr>
<th></th>
<th>Annual</th>
<th>Semiannual</th>
<th>Quarterly</th>
<th>Monthly</th>
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</thead>
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<td><strong>Short-term adjusted</strong> AFR</td>
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<tr>
<td>AFR</td>
<td>.75%</td>
<td>.75%</td>
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<tr>
<td><strong>Mid-term adjusted AFR</strong></td>
<td>2.05%</td>
<td>2.04%</td>
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<td><strong>Long-term adjusted AFR</strong></td>
<td>4.28%</td>
<td>4.24%</td>
<td>4.22%</td>
<td>4.20%</td>
</tr>
</tbody>
</table>

### REV. RUL. 2009–16 TABLE 3
Rates Under Section 382 for June 2009

- Adjusted federal long-term rate for the current month: 4.28%
- Long-term tax-exempt rate for ownership changes during the current month (the highest of the adjusted federal long-term rates for the current month and the prior two months.): 4.61%

### REV. RUL. 2009–16 TABLE 4
Appropriate Percentages Under Section 42(b)(1) for June 2009

- Note: Under Section 42(b)(2), the applicable percentage for non-federally subsidized new buildings placed in service after July 30, 2008, and before December 31, 2013, shall not be less than 9%.
- Appropriate percentage for the 70% present value low-income housing credit: 7.71%
- Appropriate percentage for the 30% present value low-income housing credit: 3.30%
Section 1288.—Treatment of Original Issue Discount on Tax-Exempt Obligations


Section 1563.—Definitions and Special Rules

26 CFR 1.1563–1: Definitions of controlled group of corporations and component members and related concepts.

T.D. 9451

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Guidance Necessary to Facilitate Business Election Filing; Finalization of Controlled Group Qualification Rules

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulation and removal of temporary regulation.

SUMMARY: This document contains a final regulation that provides guidance to taxpayers for determining which corporations are included in a controlled group of corporations. This regulation is being published to replace an expiring temporary regulation. Pursuant to the publication of a temporary regulation, §1.1563–1T expired on May 26, 2009. Section 1.1563–1T was also amended by the publication of a temporary regulation on December 26, 2007. See T.D. 9369 (72 FR 72929), 2008–6 I.R.B. 394. Also on December 26, 2007, the IRS and Treasury Department issued a notice of proposed rulemaking cross-referencing that temporary regulation. See REG–104713–07 (72 FR 72970), 2008–6 I.R.B. 409.

This Treasury decision adopts the proposed regulation §1.1563–1 with no substantive changes. In addition, this Treasury decision removes the corresponding temporary regulations. See §3.A of the preamble to T.D. 9304. Treasury decision 9304 also removed §1.1563–1. Section 1.1563–1T provides guidance to taxpayers for determining which corporations are included in a controlled group of corporations.

This Treasury decision adopts the proposed regulation §1.1563–1 with no substantive changes. In addition, this Treasury decision removes the corresponding temporary regulation, §1.1563–1T.

This Treasury decision does not adopt the other proposed regulations that were published as part of T.D. 9304. Those proposed regulations are now found in REG–113688–09, and their status will be addressed at a later date.

The IRS and the Treasury Department received no written or electronic comments from the public in response to the notice of proposed rulemaking and no public hearing was requested or held.

Special Analysis

It has been determined that this Treasury Decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to this regulation. Pursuant to the