

Proposed regulations address stock buyback excise tax

The Treasury Department and the Internal Revenue Service recently issued proposed regulations (REG-115710-22 and REG-118499-23) implementing new section 4501, which imposes an excise tax of 1 percent on repurchases of stock by certain publicly traded corporations beginning after December 31, 2022. The excise tax was enacted under the Inflation Reduction Act of 2022 (P.L. 117-169).

URL: <https://www.taxnotes.com/research/federal/proposed-regulations/proposed-regs-issued-corporate-stock-buyback-excise-tax/7jds7>

URL: <https://www.taxnotes.com/research/federal/proposed-regulations/proposed-regs-outline-reporting-payment-stock-buyback-excise-tax/7jds8>

URL: <https://www.taxnotes.com/research/federal/legislative-documents/public-laws-and-legislative-history/inflation-reduction-act-of-2022-%28p.l.-117-169%29/7dybc>

The new guidance largely adopts the provisions in Notice 2023-2 (released in December of 2022), which announced the government's intention to issue proposed regulations addressing the application of the excise tax and provided taxpayers with interim guidance until those proposed regulations were published.

URL: <https://www.taxnotes.com/research/federal/irs-guidance/notices/interim-guidance-issued-for-stock-buyback-tax/7fhtn>

The proposed regulations also provide a revised "funding rule" for publicly traded, foreign-parented groups and set a new expected deadline for the information reporting and payment of the excise tax, tied to the later of the date of release of final regulations or taxpayers' year-ends.

Find out more

A new alert from Deloitte Tax LLP provides an overview of the proposed regulations.

URL: https://dhub.deloitte.com/Newsletters/Tax/2024/TNV/240503_3_suppl.pdf

— Michael DeHoff
Tax Policy Group
Deloitte Tax LLP

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms or their related entities (collectively, the “Deloitte organization”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser.

No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.

About Deloitte

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms, and their related entities (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

Deloitte provides industry-leading audit and assurance, tax and legal, consulting, financial advisory, and risk advisory services to nearly 90% of the Fortune Global 500® and thousands of private companies. Our professionals deliver measurable and lasting results that help reinforce public trust in capital markets, enable clients to transform and thrive, and lead the way toward a stronger economy, a more equitable society and a sustainable world. Building on its 175-plus year history, Deloitte spans more than 150 countries and territories. Learn how Deloitte’s approximately 415,000 people worldwide make an impact that matters at www.deloitte.com.