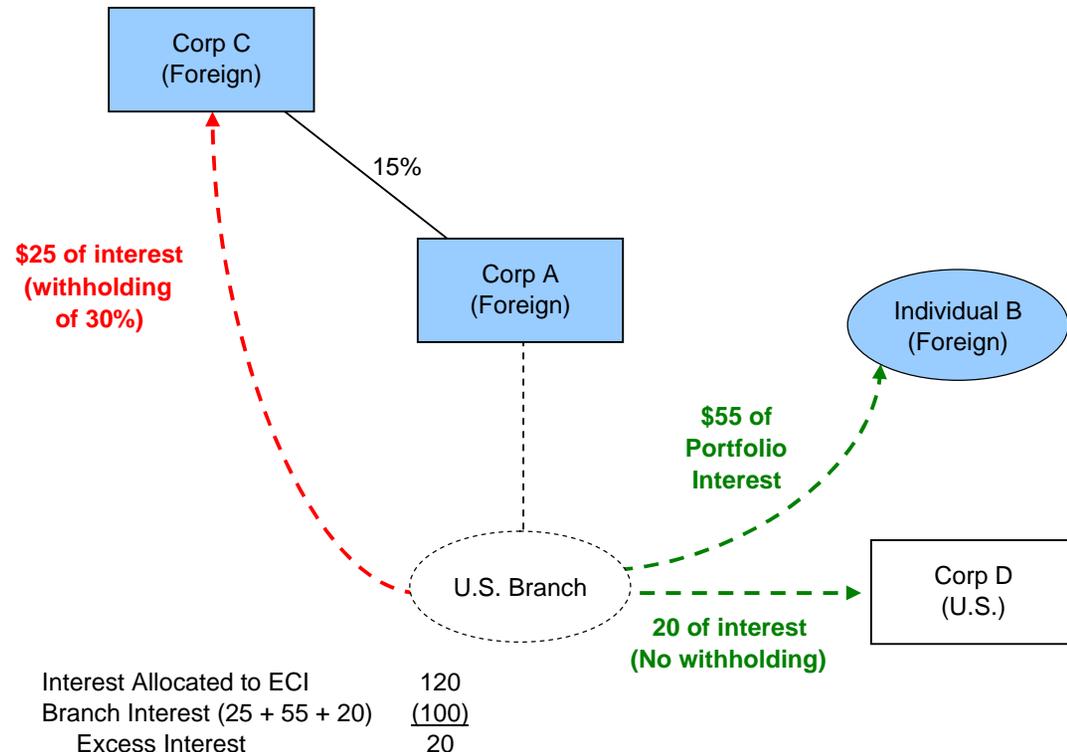


## Reg. 1.884-4(a)(4), Example 1

### Branch Interest & Excess Interest

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Foreign corporation A, has \$120 of interest allocated or apportioned to effectively connected income ("ECI") under Reg. 1.882-5 for 1997. A's branch interest for 1997 is as follows: \$55 of portfolio interest (as defined in section 871(h)(2)) to B, a nonresident alien; \$25 of interest to foreign corporation C, which owns 15 percent of the combined voting power of A's stock, with respect to bonds issued by A; and \$20 to D, a domestic corporation.



B and C are not engaged in the conduct of a trade or business in the United States. A, B and C are residents of countries with which the United States does not have an income tax treaty. The interest payments made to B and D are not subject to tax under section 871(a) or 881 and are not subject to withholding under section 1441 or 1442. The payment to C, which does not qualify as portfolio interest because C owns at least 10 percent of the combined voting power of A's stock, is subject to withholding of \$7.50 ( $\$25 \times 30\%$ ). In addition, because A's interest allocated or apportioned to ECI under Reg. 1.882-5 (\$120) exceeds its branch interest (\$100), A has excess interest of \$20, which is subject to a tax of \$6 ( $\$20 \times 30\%$ ) under section 881. The tax on A's excess interest must be reported on A's income tax return for 1997.

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