



# TaxNewsFlash

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## Final regulations released to Federal Register: Like-kind exchanges

The U.S. Treasury Department and IRS this afternoon released for publication in the Federal Register final regulations (T.D. 9935) as guidance implementing legislative changes made by the 2017 tax law\* to the like-kind exchange rules under Code section 1031.

\*Pub. L. No. 115-97 (often referred to as the "Tax Cuts and Jobs Act" (TCJA)) made amendments to section 1031 by limiting the like-kind exchange rules to exchanges of real property; by providing that the deferral rules under section 1031 are no longer allowed for an exchange of real property held primarily for sale; and by stating real property located in the United States is not considered like-kind to real property located outside the United States.

Read the [final regulations](#) [PDF 324 KB] (67 pages) as scheduled to be published in the Federal Register on December 2, 2020.

The IRS on November 23, 2020, posted to its website a version of these final regulations that includes the following statement:

*This document has been submitted to the Office of the Federal Register (OFR) for publication and will be pending placement on public display at the OFR and publication in the Federal Register. The version of the final rule released today may vary slightly from the published document if minor editorial changes are made during the OFR review process. The document published in the Federal Register will be the official document.*

Read a [computer-generated document](#) [PDF 841 KB] that provides a comparison of the version of the final regulations submitted this afternoon for publication in the Federal Register against the version posted by the IRS on November 23, 2020. This unofficial document was produced by KPMG for the purpose of showing what changes, if any, were made to the regulations prior to being released to the Federal Register for publication. It has not been reviewed for accuracy.

The information contained in TaxNewsFlash is not intended to be "written advice concerning one or more Federal tax matters" subject to the requirements of section 10.37(a)(2) of Treasury Department Circular 230, as the content of this document is

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