



Notice 1237

(July 1999)

AVAILABILITY OF FORM 8865

Form 8865, *Information Return of U.S. Persons With Respect To Certain Foreign Partnerships*, is not yet available. The Internal Revenue Service plans to release Form 8865 during the fall of 1999. If you ordered this form and/or the associated instructions and schedules, the Service will send a copy of them to you as soon as they are completed and released to the public. U.S. persons will use Form 8865 to satisfy the reporting requirements of Internal Revenue Code sections:

- 6038 (controlled foreign partnership reporting),
- 6046A (reporting of acquisitions and dispositions of foreign partnership interests), and
- 6038B (reporting of transfers to foreign partnerships).

Until the Service issues Form 8865 and the final regulations under section 6038, U.S. persons are not required to satisfy the section 6038 reporting obligation with respect to foreign partnerships. Additionally, no reporting is required under section 6046A until final regulations are issued under section 6046A. The Service expects to issue final regulations under sections 6038 and 6046A during 1999.

Taxpayers are currently required to report certain transfers to foreign partnerships under section 6038B. If you are required to report a transfer to a foreign partnership that occurred in 1998, you may report it on a Form 926 (modified to reflect that the transferee is a partnership, not a corporation). Attach **Form 926** to your income tax return for the tax year in which the transfer occurred. Alternatively, report the transfer on a **Form 8865** attached to your income tax return for your first tax year beginning on or after January 1, 1999. *The Service expects to issue Form 8865 before the due date for most income tax returns for tax years beginning on or after January 1, 1999.*

