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Practice Guide to IRS International Tax Forms

American Institute of Certified Public Accountants. International Taxation Committee

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December 1996

Dear AICPA International Taxation Committee Member:

The enclosed *Practice Guide to IRS International Tax Forms* (Guide) is provided as a reference tool to assist you in understanding the potential filing requirements for your clients who have international business dealings or investments. The Guide is not intended as a substitute for in-depth research. While we have attempted to make this Guide as complete as possible as of the date of our update (December, 1996), many of these forms change on an annual basis and with the issuance of regulations. Therefore, the Guide should be used as a starting point for determining possible IRS filing requirements. Only by supplementing this with the appropriate research can you be certain that you have all the forms required and the most current version of a particular form.

Also note that there may be other government agencies that require information forms or other filings for foreign investors in the United States and U.S. persons doing business overseas. Examples of this are certain Commerce Department forms and Agriculture Department forms for certain foreign investors. A listing of some of these agencies is included for your information as Appendix II.

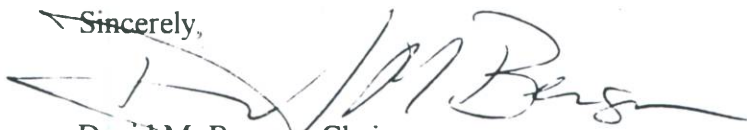
While not addressed in the Guide, be aware that penalty provisions often apply for failure to file particular forms. Many of these forms are covered under the normal penalty sections of the Internal Revenue Code for failure to file, but several of the forms have specific penalties associated with them. You should be advised that the IRS is becoming much more aggressive in asserting penalties for failure to file even information forms.

In summary, the Guide is intended as a starting point to assist you in understanding the breadth of IRS forms that may apply to your clients that have international operations. It attempts to provide for you the majority of the international IRS forms that you will need to consider for such clients.

If you have any suggestions for future enhancements and updates, please let us know.

Please note the IRS issued check the box regulations on December 17. The form is not referenced on the grid. For your information, a copy of Form 8832 is included behind this letter.

Sincerely,



David M. Benson, Chairman
AICPA International Taxation Committee
Enclosure

Entity Classification Election

Please Type or Print	Name of entity	Employer identification number (EIN)
	Number, street, and room or suite no. If a P O box, see instructions.	
	City or town, state, and ZIP code. If a foreign address, enter city, province or state, postal code and country.	

1 Type of election (see instructions):

- a Initial classification by a newly-formed entity (or change in current classification of an existing entity to take effect on January 1, 1997)
- b Change in current classification (to take effect later than January 1, 1997)

2 Form of entity (see instructions).

- a A domestic eligible entity electing to be classified as an association taxable as a corporation.
- b A domestic eligible entity electing to be classified as a partnership.
- c A domestic eligible entity with a single owner electing to be disregarded as a separate entity.
- d A foreign eligible entity electing to be classified as an association taxable as a corporation.
- e A foreign eligible entity electing to be classified as a partnership.
- f A foreign eligible entity with a single owner electing to be disregarded as a separate entity.

3 Election is to be effective beginning (month, day, year) (see instructions) ▶ / /

4 Name and title of person whom the IRS may call for more information	5 That person's telephone number
--	---

Consent Statement and Signature(s) (see instructions)

Under penalties of perjury, I (we) declare that I (we) consent to the election of the above-named entity to be classified as indicated above, and that I (we) have examined this consent statement, and to the best of my (our) knowledge and belief, it is true, correct, and complete. If I am an officer, manager, or member signing for all members of the entity, I further declare that I am authorized to execute this consent statement on their behalf.

Signature(s)	Date	Title

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping . . . 1 hr., 20 min.

Learning about the law or the form . . . 1 hr., 41 min.

Preparing and sending the form to the IRS . . . 17 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the form to this address. Instead, see **Where To File** on page 3.

Purpose of Form

For Federal tax purposes, certain business entities automatically are classified as corporations. See items 1 and 3 through 8 under the definition of corporation on this page. Other business entities may choose how they are classified for Federal tax purposes. Except for a business entity automatically classified as a corporation, a business entity with at least two

members can choose to be classified as either an association taxable as a corporation or a partnership, and a business entity with a single member can choose to be classified as either an association taxable as a corporation or disregarded as an entity separate from its owner.

Generally, an eligible entity that does not file this form will be classified under the default rules described below. An eligible entity that chooses not to be classified under the default rules or that wishes to change its current classification must file Form 8832 to elect a classification. The IRS will use the information entered on this form to establish the entity's filing and reporting requirements for Federal tax purposes.

Default Rules

Existing entity default rule.—Certain domestic and foreign entities that are already in existence before January 1, 1997, and have an established Federal tax classification, generally do not need to make an election to continue that classification. However, for an eligible entity with a single owner that claimed to be a partnership under the law in effect before January 1, 1997, that entity will now be disregarded as an entity separate from its owner. If an existing entity decides to change its classification, it may do so subject to the rules in Regulations section 301.7701-3(c)(1)(iv). A foreign eligible entity is treated as being in existence prior to the effective date of this section only if the entity's classification is relevant at any time during the 60 months prior to January 1, 1997.

Domestic default rule.—Unless an election is made on Form 8832, a domestic eligible entity is:

1. A partnership if it has two or more members.
2. Disregarded as an entity separate from its owner if it has a single owner.

Foreign default rule.—Unless an election is made on Form 8832, a foreign eligible entity is:

1. A partnership if it has two or more members and at least one member does not have limited liability.

2. An association if all members have limited liability.

3. Disregarded as an entity separate from its owner if it has a single owner that does not have limited liability.

Definitions

Business entity.—A business entity is any entity recognized for Federal tax purposes that is not properly classified as a trust under Regulations section 301.7701-4 or otherwise subject to special treatment under the Code. See Regulations section 301.7701-2(a).

Corporation.—For Federal tax purposes, a corporation is any of the following:

1. A business entity organized under a Federal or state statute, or under a statute of a federally recognized Indian tribe, if the statute describes or refers to the entity as incorporated or as a corporation, body corporate, or body politic.
2. An association (as determined under Regulations section 301.7701-3).
3. A business entity organized under a state statute, if the statute describes or refers to the entity as a joint-stock company or joint-stock association.
4. An insurance company.
5. A state-chartered business entity conducting banking activities, if any of its deposits are insured under the Federal Deposit Insurance Act, as amended, 12 U.S.C. 1811 et seq., or a similar Federal statute.
6. A business entity wholly owned by a state or any political subdivision thereof.
7. A business entity that is taxable as a corporation under a provision of the Code other than section 7701(a)(3).

8. A foreign business entity listed in Regulations section 301.7701-2(b)(8). However, a foreign business entity listed in those regulations generally will not be treated as a corporation if all of the following apply:

- a. The entity was in existence on May 8, 1996.

b. The entity's classification was relevant (as defined below) on May 8, 1996.

c. No person (including the entity) for whom the entity's classification was relevant on May 8, 1996, treats the entity as a corporation for purposes of filing that person's Federal income tax returns, information returns, and withholding documents for the tax year including May 8, 1996.

d. Any change in the entity's claimed classification within the 60 months prior to May 8, 1996, was a result of a change in the organizational documents of the entity, and the entity and all members of the entity recognized the Federal tax consequences of any change in the entity's classification within the 60 months prior to May 8, 1996.

e. The entity had a reasonable basis (within the meaning of section 6662) for treating the entity as other than a corporation on May 8, 1996.

f. Neither the entity nor any member was notified in writing on or before May 8, 1996, that the classification of the entity was under examination (in which case the entity's classification will be determined in the examination).

Binding contract rule.—If a foreign business entity described in Regulations section 301.7701-2(b)(8)(i) is formed after May 8, 1996, under a written binding contract (including an accepted bid to develop a project) in effect on May 8, 1996, and all times thereafter, in which the parties agreed to engage (directly or indirectly) in an active and substantial business operation in the jurisdiction in which the entity is formed, **8** on page 2 is applied by substituting the date of the entity's formation for May 8, 1996.

Eligible entity.—An eligible entity is a business entity that is not included in items **1** or **3** through **8** under the definition of corporation on page 2.

Limited liability.—A member of a foreign eligible entity has limited liability if the member has no personal liability for any debts of or claims against the entity by reason of being a member. This determination is based solely on the statute or law under which the entity is organized (and, if relevant, the entity's organizational documents). A member has personal liability if the creditors of the entity may seek satisfaction of all or any part of the debts or claims against the entity from the member as such. A member has personal liability even if the member makes an agreement under which another person (whether or not a member of the entity) assumes that liability or agrees to indemnify that member for that liability.

Partnership.—A partnership is a business entity that has at least two members and is not a corporation as defined on page 2.

Relevant.—A foreign eligible entity's classification is relevant when its classification affects the liability of any person for Federal tax or information purposes. The date the classification of a foreign eligible entity is relevant is the date an event occurs that creates an obligation to file a Federal tax return, information return, or statement for which the classification of the entity must be determined.

Effect of Election

The resulting tax consequences of a change in classification remain the same no matter how a change in entity classification is achieved. For example, if an organization classified as an association elects to be classified as a partnership, the organization and its owners must recognize gain, if any, under the rules applicable to liquidations of corporations.

Who Must File

File this form for an **eligible entity** that is one of the following:

- A domestic entity electing to be classified as an association taxable as a corporation.

- A domestic entity electing to change its current classification (even if it is currently classified under the default rule).

- A foreign entity that has more than one owner, all owners have limited liability, and it elects to be classified as a partnership.

- A foreign entity that has at least one owner without limited liability, and it elects to be classified as an association taxable as a corporation.

- A foreign entity with a single owner having limited liability, and it elects to have the entity disregarded as an entity separate from its owner.

- A foreign entity electing to change its current classification (even if it is currently classified under the default rule).

Do not file this form for an eligible entity that is:

- Tax-exempt under section 501(a), or

- A real estate investment trust (REIT), as defined in section 856.

When To File

See the instructions for line 3.

Where To File

File Form 8832 with the Internal Revenue Service Center, Philadelphia, PA 19255. Also attach a copy of Form 8832 to the entity's Federal income tax or information return for the tax year of the election. If the entity is not required to file a return for that year, a copy of its Form 8832 must be attached to the Federal income tax or information returns of all direct or indirect owners of the entity for the tax year of the owner that includes the date on which the election took effect. Although failure to attach a copy will not invalidate an otherwise valid election, each member of the entity is required to file returns that are consistent with the entity's election. In addition, penalties may be assessed against persons who are required to, but who do not, attach Form 8832 to their returns. Other penalties may apply for filing Federal income tax or information returns inconsistent with the entity's election.

Specific Instructions

Employer Identification Number (EIN)

Show the correct EIN on Form 8832. If the entity does not have an EIN, it generally must apply for one on Form SS-4, Application for Employer Identification Number. If the filing of Form 8832 is the only reason the entity is applying for an EIN, check the "Other" box on line 9 of Form SS-4 and write "Form 8832" to the right of that box. If the entity has not received an EIN by the time Form 8832 is due, write "Applied for" in the space for the EIN. **Do not** apply for a new EIN for an existing entity that is changing its classification. If you are electing to disregard an entity as separate from its owner, enter the owner's EIN.

Address

Include the suite, room, or other unit number after the street address. If the Post Office does not deliver mail to the street address and the entity has a P.O. box, show the box number instead of the street address.

Line 1

Check box 1a if the entity is choosing a classification for the first time **and** the entity does not want to be classified under the applicable default classification. **Do not** file this form if the entity wants to be classified under the default rules.

Check box 1b if the entity is changing its current classification to take effect later than January 1, 1997, whether or not the entity's current classification is the default classification. However, once an eligible entity makes an election to change its classification (other than an election made by an existing entity to change its classification as of January 1, 1997), the entity cannot change its classification by election again during the 60 months after the effective date of the election. However, the IRS may permit (by private letter ruling) the entity to change its classification by election within the 60-month period if more than 50% of the ownership interests in the entity as of the effective date of the election are owned by persons that did not own any interests in the entity on the effective date of the entity's prior election.

Line 2

Check the appropriate box if you are changing a current classification (no matter how achieved), or are electing out of a default classification. **Do not** file this form if you fall within a default classification that is the desired classification for the new entity.

Line 3

Generally, the election will take effect on the date you enter on line 3 of this form or on the date filed if no date is entered on line 3. However, an election specifying an entity's classification for Federal tax

purposes can take effect no more than 75 days prior to the date the election is filed, nor can it take effect later than 12 months after the date on which the election is filed. If line 3 shows a date more than 75 days prior to the date on which the election is filed, the election will take effect 75 days before the date it is filed. If line 3 shows an effective date more than 12 months from the filing date, the election will take effect 12 months after the date the election was filed.

Regardless of the date filed, an election will in no event take effect before January 1, 1997.

Consent Statement and Signatures

Form 8832 must be signed by:

1. Each member of the electing entity who is an owner at the time the election is filed; or
2. Any officer, manager, or member of the electing entity who is authorized (under local law or the organizational documents) to make the election and who represents to having such authorization under penalties of perjury.

If an election is to be effective for any period prior to the time it is filed, each person who was an owner between the date the election is to be effective and the date the election is filed, and who is not an owner at the time the election is filed, must also sign.

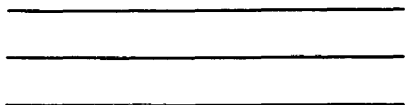
If you need a continuation sheet or use a separate consent statement, attach it to Form 8832. The separate consent statement must contain the same information as shown on Form 8832.

**PRACTICE GUIDE TO
IRS INTERNATIONAL TAX FORMS
Fall 1996**

AICPA

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Fold Here



American Institute of CPA's
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Suite 400
Washington, DC 20004-1081

Attn: Carol Shaffer

Fold Here

Sample Here

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IRS FORMS INDEX

The following list is not intended to be a complete index of all required IRS forms. For instance, various payroll forms used in the U.S. territories and possessions have not been listed. It is, however, a starting point for determining the forms that must be filled.

I. FOREIGN ENTITIES DOING BUSINESS IN U.S.

<u>Forms</u>	<u>Form Title</u>
973	Corporation Claim for Deduction for Consent Dividends
1000	Ownership Certificate
1001	Ownership, Exemption, or Reduced Rate Certificate
1042	Annual Withholding Tax Return for U.S. Source Income of Foreign Persons
1042-S	Foreign Person's U.S. Source Income Subject to Withholding
1065	U.S. Partnership Return of Income
1120-F	U.S. Income Tax Return of a Foreign Corporation
3206	Information Statement by United Kingdom Withholding Agents Paying Dividends from United States Corporations to Resident of the U.S. and Certain Treaty Countries
4224	Exemption from Withholding of Tax on Income Effectively Connected with the Conduct of a Trade or Business in the United States
4789	Currency Transaction Report
4790	Report of International Transportation of Currency or Monetary Instruments
5472	Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business
5713	International Boycott Report
6166	Certification of Filing a Tax Return

6781	Gains and Losses from Section 1256 Contracts and Straddles
8288	U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests
8288-A	Statement of Withholding Dispositions by Foreign Persons of U.S. Real Property Interests
8288-B	Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Real Property Interests
8300	Report of Cash Payments over \$10,000 Received in a Trade or Business
8709	Exemption from Withholding on Investment Income of Foreign Governments and International Organizations
8804	Annual Return for Partnership Withholding Tax (Section 1446)
8805	Foreign Partner's Information Statement of Section 1446 Withholding Tax
8813	Partnership Withholding Tax Payment (Section 1446)
8833	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)
8848	Consent to Extend the Time to Assess the Branch Profits Tax Under Regulations Sections 1.884-2T(a) and (c)
TD F 90-22.1	Report of Foreign Bank and Financial Accounts
W-8	Certificate of Foreign Status

II. U.S. ENTITIES DOING BUSINESS OUTSIDE THE UNITED STATES

926	Return by a U.S. Transferor of Property to a Foreign Corporation, Foreign Estate or Trust, or Foreign Partnership
1065	U.S. Partnership Return of Income
1117	Income Tax Surety Bond

1118	Foreign Tax Credit-Corporations
1120-FSC	U.S. Income Tax Return of a Foreign Sales Corporation
1120-IC-DISC	Interest Charge Domestic International Sales Corporation Return
1363	Export Exemption Certificate
2032	Contract Coverage Under Title II of the Social Security Act
3206	Information Statement by United Kingdom Withholding Agents Paying Dividends from United States Corporations to Residents of the U.S. and Certain Treaty Countries
4790	Report of International Transportation of Currency or Monetary Instruments
4876-A	Election to be Treated as an Interest Charge DISC
5471	Information Return of U.S. Persons with Respect to Certain Foreign Corporations
5472	Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business
5712	Election to Be Treated as a Possessions Corporation Under Section 936
5712-A	Election and Verification of the Cost Sharing or Profit Split Method Under Section 936(h)(5)
5713	International Boycott Report
5735	Possessions Corporation Tax Credit Allowed Under Section 936
5735 Schedule P	Allocation of Income and Expenses Under Section 936(h)(5)
5472	Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business
6166	Certification of Filing a Tax Return
6781	Gains and Losses from Section 1256 Contracts and Straddles

8279	Election to Be Treated as a FSC or as a Small FSC
8404	Computation of Interest Charge on DISC-Related Deferred Tax Liability
8621	Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund
- 8804	Annual Return for Partnership Withholding Tax (Section 1446)
8805	Foreign Partner's Information Statement of Section 1446 Withholding Tax
8813	Partnership Withholding Tax Payment (Section 1446)
8819	Dollar Election Under Section 985
8833	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)
8838	Consent to Extend the Time to Assess Tax Under Section 367 - Gain Recognition Agreement
TD F 90-22.1	Report of Foreign Bank and Financial Accounts

III FOREIGN INDIVIDUALS DOING BUSINESS IN U.S.

56	Notice Concerning Fiduciary Relationship
706-NA	United States Estate (and Generation-Skipping Transfer) Tax Return Estate of Nonresident Not a Citizen of the United States
709	United States Gift (and Generation-Skipping Transfer) Tax Return
972	Consent of Shareholder to Include Specific Amount in Gross Income
1000	Ownership Certificate
1001	Ownership, Exemption or Reduced Rate Certificate
1040-C	U.S. Departing Alien Income Tax Return

1040-ES (NR)	U.S. Estimated Tax for Nonresident Alien Individuals
1040NR	U.S. Nonresident Alien Income Tax Return
1040 NR-EZ	U.S. Income Tax Return for Certain Nonresident Aliens with No Dependents
1042	Annual Withholding Tax Return for U.S. Source Income of Foreign Persons
1042-S	Foreign Person's U.S. Source Income Subject to Withholding
1065	U.S. Partnership Return of Income
1078	Certificate of Alien Claiming Residence in the United States
2063	U.S. Departing Alien Income Tax Statement
4224	Exemption from Withholding of Tax on Income Effectively Connected with the Conduct of a Trade or Business in the United States
4790	Report of International Transportation of Currency or Monetary Instruments
5713	International Boycott Report
6166	Certification of Filing a Tax Return
6781	Gains and Losses from Section 1256 Contracts and Straddles
8233	Exemption from Withholding on Compensation for Independent Personal Services of a Nonresident Alien Individual
8453-NR	U.S. Nonresident Alien Income Tax Declaration for Magnetic Media Filing
8833	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)
8840	Closer Connection Exception Statement for Aliens
8843	Statement for Exempt Individuals and Individuals with a Medical Conditions

9003	Additional Questions to Be Completed by All Applicants for Permanent Residence in the United States
TD F 90-22.1	Report of Foreign Bank and Financial Accounts
W-7	Application for IRS Individual Taxpayer Identification Number
W-8	Certificate of Foreign Status

IV. U.S. INDIVIDUALS WORKING, LIVING OR DOING BUSINESS OUTSIDE THE UNITED STATES

56	Notice Concerning Fiduciary Relationship
673	Statement for Claiming Benefits Provided by Section 911 of the Internal Revenue Code
706-CE	Certificate of Payment of Foreign Death Tax
709	United States Gift (And Generation-Skipping Transfer) Tax Return
926	Return by a U.S. Transferor of Property to a Foreign Corporation, Foreign Estate or Trust, or Foreign Partnership
972	Consent of Shareholder to Include Specific Amount in Gross Income
1065	U.S. Partnership Return of Income
1116	Computation of Foreign Tax Credit (Individual, Estate, Trust, or Nonresident Alien Individual)
1117	Income Tax Surety Bond
1363	Export Exemption Certificate
2350	Application for Extension of Time to File U.S. Income Tax Return
2555	Foreign Earned Income
2555EZ	Foreign Earned Income Extension

3520	U.S. Information Return - Creation of or Transfers to Certain Foreign Trusts
3520-A	Annual Return of Foreign Trust with U.S. Beneficiaries
3903F	Foreign Moving Expenses
4563	Exclusion of Income for Bona Fide Residents of American Samoa
4790	Report of International Transportation of Currency or Monetary Instruments
5074	Allocation of Individual Income Tax to Guam or the Commonwealth of the Northern Mariana Islands (CNMI)
5471	Information Return of U.S. Persons with Respect to Certain Foreign Corporations
5713	International Boycott Report
6166	Certification of Filing a Tax Return
6781	Gains and Losses from Section 1256 Contracts and Straddles
8404	Computation of Interest Charge on DISC-Related Deferred Tax Liability
8621	Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Funding
8689	Allocation of Individual Income Tax to the Virgin Island
8833	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)
8838	Consent to Extend the Time to Assess Tax Under Section 367-Gain Recognition Agreement
TD F 90-22.1	Report of Foreign Bank and Financial Accounts

**IRS FORMS RELATING TO U.S. PERSONS,
INCLUDING RESIDENT ALIENS, WITH FOREIGN OPERATIONS
AND FOREIGN PERSONS WITH U.S. ACTIVITIES**

<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
56 (Rev. 1/92) (Exp. 11/30/94)	Notice Concerning Fiduciary Relationship	Used to notify IRS of a fiduciary relationship or its termination	When all information to complete form is available. If tax return is required can be filed with first return.	Voluntary, until IRS is notified of tax relationship, notices of tax liability sent to the taxable entity, transferee or other person subject to tax liability are considered sufficient compliance by IRS.	Section 6903 Reg. § 301.6903-1 Section 6036 Reg. § 301.6036-1 Reg. § 601.503
673 (Rev. 4/91) (Exp. 2/28/94)	Statement for Claiming Benefits Provided by Section 911 of the Internal Revenue Code	Filed by U.S. citizen or resident with employer permitting the employer to exclude from withholding all or part of wages paid for services performed outside the U.S.	When all information to complete form is available.	No presumption employee will qualify for section 911 exclusion.	Reg. § 31.3401(a) (8)(A)-1(a)(2)

**IRS FORMS RELATING TO U.S. PERSONS,
INCLUDING RESIDENT ALIENS, WITH FOREIGN OPERATIONS
AND FOREIGN PERSONS WITH U.S. ACTIVITIES**

<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
706CE (Rev. 11/91) (Exp. 10/31/94)	Certificate of Payment of Foreign Death Tax	Used to certify payment of foreign death taxes claimed as a credit in estate of deceased U.S. citizen or resident on Sch. P of Form 706.	Certification required before credit is allowed.	Request foreign government to certify payments; form includes procedure if government refuses.	Section 2014(d) Regs. §§20.2014-5 and 20.2016-1 Rev. Rul. 54-169
706NA (Rev. 9/93) (Exp. 3/31/96)	United States Estate (and Generation-Skipping Transfer) Tax Return	Estate tax return for nonresident alien (NRA) decedent.	Nine months after date of death, an extension is available by filing Form 4768.	File at the Philadelphia Service Center.	Sections 6018(a)(2) and 6075(e) Reg. §§20.6018-1(b) and 20.6075-1 Section 2601-2663 Rev. Rul. 56-471.
	Estate of non-resident not a citizen of the United States				

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
709 (Rev. 11/91)	United States Gift (and Generation- Skipping Transfer) Tax Return	Gift tax return for gifts made after 12/31/91 by U.S. citizens or residents and nonresident aliens with U.S. tangible property.	Generally, 4/15 following calendar year of gift. Can be extended with the individual income tax return.	Generally, for gifts of U.S. - situs tangible property and certain intangible property transfers, if future interest or present interest to donee is over \$10,000; GST tax is imposed on inter-vivos direct skips made after 9/25/83; expatriates -- special rules.	Sections 6019, 6075(b) Regs. §§25.6019- 1(a) and 25.6075-1 Section 2601-2663 Rev. Rul. 56-471

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926 (Rev. 11/92) (Exp. 8/31/95)	Return by a U.S. Transferor of Property to a Foreign Corporation, Foreign Estate or Trust, or Foreign Partnership	Report transfer of property to a foreign corporation, foreign estate or trust, or foreign partnership and to pay excise tax due under section 1491.	On date of transfer of property.	Tax, if any, is paid with report; filed even if transfer is nontaxable.	Section 1491 Reg. § 1.1494-1
		Notice to IRS of property transferred to foreign corporation in specified exchanges; or property distribution in complete liquidation to non-U.S. person.	Filed with the transferor's tax return for the taxable year in which the transfer is made.	Form 926 is now used as a cover document for the information required under section 6038B.	Sections 367(a), (d) and 6038B Reg. § 1.6038B-1T Temp. Reg. § 1.367(a)-3T(d)(3) or (e)

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972 (Rev. 5/92) (Exp. 5/31/95)	Consent of Shareholder to Include Specific Amount in Gross Income	Submitted to corporation by shareholder consenting to the inclusion of a specific amount in gross income based on shares of stock owned.	Filed with the corporate tax return on or before the due date for the corporation's return for the year in which the dividend paid deduction is claimed.	Filed by shareholder who agrees to include a specific amount as a taxable dividend in gross income for the tax year in which corporation's tax year ends.	Section 565(a) Reg. § 1.565-1(b)
973 (Rev. 10/92) (Exp. 8/31/95)	Corporation Claim for Deduction for Consent Dividends	Filed by a corporation that claims a deduction for a consent dividend under section 561.	Corporation must file a Form 972 for each consenting shareholder. Attach to corporation's income tax return for year in which the deduction for consent dividends is claimed.	Withholding under section 1441 and 1442 may be required.	Section 565 Reg. § 1.565-1(b)

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1000 (Rev. 5/92) (Exp. 4/30/95)	Ownership Certificate	Filed with withholding agent for interest payments on bonds containing tax free convenants that were issued before 1934 by a domestic corporation or a resident or non- resident foreign corporation.	File with withholding agent; if amended certificates are necessary, forward to corporation that issued bonds by February 1 of the following year.	Use Form 1042 to summarize Form 1000. Corporation is required to keep Form 1000 for at least four years after the end of the last calendar year in which the income the form pertains to is paid.	Reg. § 1.1461-1(h) Reg. § 1.1451-2

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1001 (Rev. 11/92) (Exp. 10/31/95)	Ownership, Exemption or Reduced Rate Certificate	Used by owner of certain types of income (or owners trustees or agents) to report to withholding agent both ownership of the income and the right to reduced or exempt rate of tax on the income under tax conventions or treaties; also used to claim a release of tax withheld at source.	For coupon bond interest, filed each time coupon presented for payment; for all other types of income filed "as soon as you can" for any successive three-calendar year period income is expected to be received; under Prop. Reg. § 1.1441-6 file with respect to dividend income in same manner as coupon bond interest and file Form 8306. (See Form 8306).	Separate form filed with withholding agent for each type of income; form not required if: <ul style="list-style-type: none"> • Form 8233 filed (See Form 8233) • Owner, trustee or agent only receives dividends. • Form 4224 filed. (See Form 4224) • Owner, trustee or agent receives only income other than coupon bond interest and who does not claim the benefit of an income tax treaty. • NRA, foreign corporation or partnership composed wholly of NRA individuals and foreign corporations, if interest is exempt under sections 1441 or 1442 	Sections 1441, 1442 and 1461 Regs. §§ 1.1441-6, 1.1461-1 Prop. Reg. § 1.1441-6

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1040-ES (NR) (Annual Revision)	U.S. Estimated Tax for Nonresident Alien Individuals	Declaration and payment of estimated income tax by NRA.	6/15, 9/15 and 1/15; also 4/15, if NRA has wages subject to withholding.	because of section 1441(c)(9) or (10). • A foreign partnership or foreign corporation engaged in a trade or business in U.S. during tax year if income is exempt from withholding under section 1441 or 1442 because of Reg. § 1.1441-4(f).	Section 6654 Regs. §§1.6015(i)-1 and 1.6073-1(a), (c)

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1040C (Annual Revision)	U.S. Departing Alien Income Tax Return	Income tax return used by certain departing aliens.	Prior to departure from U.S.	Used to report income received in U.S. and to receive "sailing permit" (Form 2063); aliens must also file appropriate income tax return. You need not file 1040C if you have filed all applicable U.S. tax returns, paid tax and have no T/I for year of departure or for previous year if time to file return for previous year has not passed or if you are a resident alien with taxable income for the preceding year or for the year of departure, but the District Director has decided that your leaving will not hinder collecting the tax.	Section 6851(d) Reg. § 1.6851-2 Rev. Proc. 60-35

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1040NR (Annual Revision)	U.S. Nonresident Alien Income Tax Return	Income tax return for NRA individual, estate or trust.	Individual: 15th day of 6th month after end of tax year, 15th day of 4th month if NRA has wages subject to withholding; estate or trust (with U.S. office): 15th day of 4th month after end of tax year; no U.S. office: 15th day of 6th month after end of tax year.	Filed even if no income is effectively connected with a U.S. trade or business or from U.S. sources or if all income is exempt under the Code or a treaty; in such cases, in lieu of completing schedules, attach list of exclusions claimed and amounts, to extent determinable. Form 8833 may also be required. Also, no return is required if NRA had no trade or business in U.S., and all U.S. tax owed is fully withheld at source.	Sections 871, 6012, 6072(a), (c) Regs. §§1.6012-1(b), 1.6012-3(a), (b)(2); 1.6072-1(a), (c) and 1.874-1
				If a return is not timely filed, deductions and credits can be denied. If the taxpayer does not have effectively connected income, the filing of a return	

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
1042 (Annual Revision)	Annual Withholding Tax Return for U.S. Source Income of Foreign Persons	Must be filed by every U.S. withholding agent who receives, controls, has custody, or disposes of, or pays fixed or determinable annual or periodic income to nonresident alien individuals, foreign partnerships and foreign corporations which are not engaged in a U.S. trade or business.	March 15th following year of payment.	(without income and deductions) with an appropriate statement will protect deductions and credits in the event the IRS determines there is effectively connected income.	Section 1461 Reg. § 1.1461-2(b)(1) Ann. 89-4, 1989-2 I.R.B. 20
					A return on Form 1042 is required of all persons who have paid income with respect to which an information return is required to be filed on Forms 1042S and 1000. Copies of Form 1042S, Form 8233 and Form W-8 must be attached.
					Forms 1001 and 4224 are no longer to be attached to Form 1042 and Form 1042S.
					To report withheld tax at source on fixed or determinable annual or periodic income such as: interest, dividends,

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1042S (Annual Revision)	Foreign Person's U.S. Source Income Subject to Withholding	rents, royalties, annuities, salaries, wages, premiums, or other gains, profits or income unless specifically exempted under the Internal Revenue Code or a tax treaty. Filed for each nonresident alien, fiduciary and foreign corporation with U.S. income subject to tax at the source.	March 15th following year of payment.	A separate Form 1042S is required for each recipient of income to whom payments were made during the preceding year whether or not tax was required to be withheld.	Section 1461 Reg. § 1.1461-2(c)
1065 (Annual Revision)	U.S. Partnership Return of Income	Partnership return of income. Partnership consists entirely of NRAs.	15th day of 4th month after end of tax year; 15th day of 6th month after end of tax year if partnership consists entirely of NRAs.	Filed by every partnership that engages in a U.S. trade or business or has income from sources in the U.S. Filed even if principal place of business is outside the U.S. and all partners are NRAs; no return required if no U.S. source income unless affects a U.S. partner's tax liability.	Section 6031 Regs. §§1.6031- 1(c), (d), (e)

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1078 (Rev. 10/92)	Certificate of Alien Claiming Residence in the United States	Certificate of residence used by resident alien for withholding tax purposes.	Filed with withholding agent prior to payment of relevant income.	Filed to claim benefit of U.S. residence for income tax purposes. Withholding agent is required to send a copy to the Philadelphia Service Center.	Reg. § 1.1441-5
1116 (Annual Revision)	Foreign Tax Credit Individual, Fiduciary or Non-resident Alien Individual	Used to figure amount of foreign tax credit (FTC) of an individual, estate or trust.	Attached to Form 1040 or Form 1041 for year FTC claimed.	In lieu of a credit, taxpayer can deduct foreign taxes.	Sections 901, 906(a) Regs. §§ 1.905-2(a), 1.905-4T Notice 88-65, 1988-1 C.B. 552
1117 (Rev. 1/81)	Income Tax Surety Bond	May be required by IRS if a credit is claimed for taxes accrued, but not paid.	As required.		Section 905(c) Reg. § 1.905-2
1118 (Rev. 11/91)	Foreign Tax Credit - Corporations	Used to support the FTC claimed by a corporation.	Attached to Form 1120 for year FTC claimed.	In lieu of a credit, taxpayer can deduct foreign taxes.	Sections 901, 902, 904(d)(1), 906(a), 960 Regs. §§ 1.904-4, 1.905-2(a), 1.905-4T Notice 88-65, 1988-1 C.B. 552

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
1120F (Annual Revision)	U.S. Income Tax Return of a Foreign Corporation	Used by a foreign corporation to report income, deductions, credits, and tax to the U.S. Also used to claim any refund due.	15th day of 3rd month after end of tax year; 15th day of 6th month after end of tax year if no U.S. office or place of business. See Rev. Rul. 93-85 regarding extensions.	Filed if corporation had U.S. source income even if exempt under the Code or a treaty, but not if tax liability is fully satisfied by withholding at source. Insurance companies file either Form 1120-L or Form 1120-PC.	Sections 6011, 6072(b)(c) Regs. §§1.6012-2(g), 1.6072-2(a), (b); 1.882-4
				If a return is not timely filed, deductions and credits can be denied.	
				If the taxpayer does not have effectively connected income, the filing of a return (without income and deductions) with an appropriate statement will protect deductions and credits in the event the IRS determines there is effectively connected income.	

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1120-FSC (Annual Revision)	U.S. Income Tax Return of a Foreign Sales Corporation	Report foreign sales corporation's income, gains, losses, deductions and credits. Determine tax liability or refund due.	15th day of the 3rd month after end of year, 6 month extension possible. File with the Philadelphia Service Center.	A FSC may not claim benefits under any income tax treaty between U.S. and any foreign country. May also have to file forms: • Payroll tax forms such as Form W-2, W-3, 940 and 941 • 1042 and 1042S (Withholding) • 5471 (Information Return of U.S. Person-Foreign Corporation) • 1096 (Annual Summary and Transmittal of U.S. Info. Returns) • 5713 (Int'l Boycott Report) • 8264 (Application for Registration of a Tax Shelter) • 8271 (Reporting Tax Shelter Num.) • 8300 (Report of Cash Prmts. Over \$10,000) • 1099 (DIV., INT., MISC. AND R) • 1098 (Mortgage Int. Stmt.) • 5472 (Info. Return- Foreign-Owned	Sections 921, 6011 Regs. §§1.6012-2, 1.6072-2

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
				U.S. Corp.) • 8810 (Passive Activity)	
1120-IC-DISC (Annual Revision)	Interest Charge Domestic International Sales Corporation Return	Used to complete information on interest charge DISCs, and former interest charge DISCs.	15th day of the 9th month after the tax year ends; no extensions are allowed.	An interest charge DISC may also be required to file additional forms.	Sections 991, 6011 Regs. §§ 1.6012-2, 1.6072-2
1363 (Rev. 1/93) (Exp. 1/31/96)	Export Exemption Certificate	Exemption from the transportation tax for amounts paid for transporting property by air.	Date of each payment.	File one Form 1363 for each payment to the carrier; a blanket exemption may be used with permission of the district director.	Section 4271 Reg. § 49.4271-1

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2032 (Rev. 1/93) (Exp. 11/30/95)	Contract Coverage Under Title II of the Social Security Act	For use by U.S. employer to extend social security coverage to U.S. citizens and residents employed by foreign affiliates, enter into an agreement specified in section 3121(l) amend previous agreement, elect to apply rules in effect after 4/20/83 to an agreement in effect on that date.	See comments.	The election will be effective on the day following the quarter in which the election is signed by the service center director. The effective date of an amendment to an agreement depends on the date signed by the service center director. Should be filed in triplicate.	Section 3121(l) Reg. § 36.3121(l)(1)-1
2063 (Rev. 4/92)	U.S. Departing Alien Income Tax Statement	District Director certifies that alien has satisfied all U.S. income tax liabilities. (Referred to as a "sailing permit.")	Prior to departure from U.S.	Alien should retain with passport; obtained by presenting Form 1040C or by having filed all other applicable income tax forms and satisfied all tax liability prior to departure.	Section 6851(d) Reg. § 1.6851-2(b)

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2350 (Annual Revision)	Application for Extension of Time to File U.S. Income Tax Return	For use by U.S. citizens and resident aliens abroad who expect to qualify for the foreign earned income exclusion or the housing exclusion or deduction.	Due date including the automatic two month extension for filing income tax return.	To be filed when additional time is required to meet the bona fide residence or physical presence test to qualify for the foreign earned income exclusion and the housing exclusion or deduction.	Section 911 Reg. § 1.911-7(c)(2)
2555 (Annual Revision)	Foreign Earned Income	Used by U.S. citizens or U.S. resident aliens living in a foreign country to claim the benefits of section 911 to exclude foreign earned income up to \$70,000 and to claim the housing exclusion or deduction.	Due date of income tax return including extensions.	Filing does not extend time for payment of tax. Needs to be filed instead of Form 2555 EZ if there is foreign self-employment income, business or moving expenses and if a housing exclusion is claimed.	Section 911 Reg. § 1.911-7

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2555EZ (Annual Revision)	Foreign Earned Income Exclusion	Used by U.S. citizens or U.S. resident aliens living in a foreign country with foreign earned wages/salaries of \$70,000 or less to claim the foreign earned income exclusion under section 911.	Due date of income tax return including extensions.	Attach to the front of Form 1040.	Section 911
3206 (Rev. 10/94) (Exp. 2/28/97)	Information Statement by United Kingdom Withholding Agents Paying Dividends from United States Corporations to Residents of the U.S. and Certain Treaty Countries	Discloses the identity of U.S. persons, as well as the identity of residents of other treaty states, who have received U.S. source dividends for deposit to an account in a U.K. bank or institution and from which additional tax has not been withheld.	Due after distribution of dividend	File with the Philadelphia Service Center.	U.S.-U.K. treaty exchange of information provision.
3520 (Rev. 10/92) (Exp. 8/31/95)	Creation of or Transfers to Certain Foreign Trusts	Return for creation or funding of a foreign trust by a U.S. person.	90th day after creation or funding. File with the Philadelphia Service Center.	Does not need to be filed with respect to a trust providing employee benefits.	Section 6048(a) Regs. §§ 301.6048-1 and 16.3-1(a), (e)

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3520-A (Rev. 10/92) (Exp. 9/30/95)	Annual Return of Foreign Trust with U.S. Beneficiaries	Return of foreign trust filed by U.S. grantor or transferor in any year in which trust has a U.S. beneficiary.	15th day of 4th month after end of tax year of U.S. grantor or transferor. Must be filed at the Philadelphia Service Center.	Filing does not relieve grantor or transferor from filing Form 3520, Form TDF 90-22.1 or Form 926.	Section 6048(c) Regs. §§ 404.6048-1(a), (c) Section 679
3903F (Annual Revision)	Foreign Moving Expenses	Used by a U.S. citizen or resident alien who moved to a new principal work place outside the U.S. or its possessions and who qualifies to deduct moving expenses.	File with income tax return.	Use Form 3903 if individual moved from a foreign country to the U.S. or its possessions because of a change in job location. Retirees or survivors who qualify to deduct their expenses for moving from a foreign country to the U.S. or its possessions should also file Form 3903.	Section 217(h) Reg. § 1.217-2(h)
4224 (Rev. 3/93) (Exp. 3/31/96)	Exemption from Withholding of Tax on Income Effectively Connected with the Conduct of a Trade or Business in the United States	Used to claim exemption from withholding tax on effectively connected income.	Prior to payment of income in respect of which exemption is claimed.	Filed with withholding agent. Applies only to payments in the same taxable year after receipt of form. Withholding agent is no longer required to attach to Form 1042 or Form 1042S.	Section 1441(c)(1) Reg. § 1.1441-4(a)(2) Ann. 89-4, 1989-2 I.R.B. 20

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4563 (Rev. 11/93) (Exp. 11/30/96)	Exclusion of Income for Bona Fide Residents of American Samoa	For U.S. citizens who lived in a U.S. possession and who are eligible for a "possessions exclusion."	File with income tax return, which must be filed with the Philadelphia Service Center.	Requirements: Must be a bona fide resident of American Samoa for an uninterrupted period that includes a complete tax year. (1/1 - 12/31, if you file a calendar year return.) Regulations will define the bona fide residence test under section 931. In future years, bona fide residents of Guam and the Commonwealth of Northern Mariana Islands (CNMI) may qualify for the exclusion.	Section 931

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4789 (Rev. 9/91) (Exp. 9/30/94)	Currency Transaction Report	Filed by financial institutions to report deposits, withdrawals, exchanges of currency, or other payments or transfers, by, through or to the financial institution involving more than \$10,000.	15th day after the transaction with the IRS Detroit Computing Center, P.O. Box 33604, Detroit, MI 48232-5604	Certain exceptions are provided for routine commercial transactions, transactions with federal, state and local governments, and transactions with banks.	31 CFR 103.22, 31 CFR 103.26 and 31 CFR 103.27
			A copy of Form 4789 should be kept for five years after date of filing.		

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4790 (U.S. Customs Service) (Rev. 12/84)	Report of International Transportation of Currency or Monetary Instruments	To be filed by each person that mails, ships or transports currency or monetary instruments exceeding \$10,000 on any one occasion from the U.S. or into the U.S.	39 days after receipt or upon leaving or entering U.S.	Filing is made with U.S. Customs Service office.	5 USC 55a(e)(3), 32 CFR 5316, 5 USC 301, 31 CFR 103 and 44 USC 3501
4876-A (Rev. 4/93) (Exp. 4/30/96)	Election to be Treated as an Interest Charge DISC	Used by a domestic corporation to elect to be treated as an interest charge DISC.	For corporation's first tax year, within 90 days after the beginning of tax year in which election is effective; for corporations making the election for any year which is not the first year, during the 90-day period immediately preceding the first day of such tax year.	Each shareholder must consent to the election. The election is effective until terminated or revoked.	Temp. Reg. § 1.921-1T(b)(1) Section 992 Section 993 Reg. § 1.992-2(a)(2)
				If, between date election is filed and date it takes effect, the	

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
5074 (Rev. 11/91)	Allocation of Individual Income Tax to Guam or the Commonwealth of the Northern Mariana Islands (CNMI)	The form provides information to the U.S. to compute the individual income tax due to Guam or CNMI.	Due with federal individual income tax return.	Form 5074 is required if a Form 1040 is filed, adjusted gross income is \$50,000 or more, and \$5,000 or more of gross income comes from Guam or CNMI.	Regs. §§ 1.935-1 and 301.7654-1
		corporation issues more stock or if stock ownership changes, the corporation must file a Supplemental Form 4876-A within the first 90 days of tax year election takes effect.			

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Due Date</u>	<u>Authority</u>
5471 (Rev. 10/90) (Exp. 12/31/94)	Information Return of U.S. Persons with Respect to a Foreign Corporation	Form 5471 must be filed by U.S. persons having a direct or indirect interest in a foreign corporation. U.S. citizens or residents, domestic partnerships, estates and trusts subject to U.S. tax, and domestic corporations must file. Officers, directors and certain shareholders might be required to file as a result of a specific event or on an annual basis.	Due date of applicable federal income tax return; where no return is required, Form 5471 must be filed by April 15th following the year in which the U.S. person becomes liable to file the information return.	Filing requirements are detailed on Appendix I. Form 5471 must be filed with the U.S. taxpayer's income tax return and with the Philadelphia Service Center. Form 8833 should be attached to Form 5471. Expiration date extended by Announcement 94-7. Special rules apply to FSCs or small FSCs under Temp. Reg. § 1.921-1T(b)(3).	Section 6038 Reg. § 1.6038-2 Section 6035 Reg. § 1.6035-1 Section 6046 Reg. § 1.6046-1 Rev. Proc. 92-70

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
5472 (Rev. 7/93) (Exp. 10/31/94)	Information Return of a Foreign-Owned U.S. Corporation or Foreign Corporation Engaged in U.S. Trade or Business	Report of transactions between certain 25% foreign owned corporations and foreign related parties. Requires a 25% foreign owned U.S. corporation and a foreign corporation engaged in a U.S. trade or business to report certain reportable transactions with related parties.	Attached to Form 1120 or 1120F. If corporation does not file by the due date, including extensions, the 5472 must be filed separately by the due date, including extensions.	Form 5472 must be filed with the U.S. income tax return and with the Philadelphia Service Center.	Sections 6038A, 6038C Reg. § 1.6038A-2
5712 (Rev. 12/91) (Exp. 12/31/94)	Election to be Treated as a Possessions Corporation Under Section 936	Used by U.S. corporation to elect to be a possessions corporation.	Due date, including extensions, of first return to which election is to apply. Filed separately from income tax return with the Philadelphia Service Center.	U.S. possessions include Puerto Rico and the Virgin Islands. Election can be revoked during its first ten years only with IRS consent.	Section 936(e) Reg. § 1.936-1

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5712-A (Rev. 12/91) (Exp. 12/31/94)	Election and Verification of the Cost Sharing or Profit Split Method Under Section 936(h)(5)	Use this form to elect to use the cost sharing or profit split method of computing taxable income under section 936(h)(5) for possession products. Must be completed with respect to <u>each</u> possession product using the above methods in computing their taxable income.	File each year to determine if you have a significant business presence in the possession. Attach to Schedule P (Form 5735).	While the election generally cannot be revoked without consent of the Commissioner, certain exceptions apply. See Rev. Proc. 92-68.	Section 936(h)(5) Reg. § 1.936-7
5713 (Rev. 5/91) (Exp. 4/30/94)	International Boycott Report	Filed by specified persons or entities having operations in or related to a boycotting country or with the government, company, or national of a boycotting country, to report those operations, the receipt of any boycott request and boycott agreements.	Attach one copy to the income tax return and file another copy separately with the Philadelphia Service Center by the return's due date.	Taxpayer may lose certain tax benefits (such as FTC and deferral of foreign subsidiary earnings) for agreeing to participate in or cooperate with an international boycott.	Sections 908(a), 999(a)(1)

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
5735 (Rev. 4/92) (Exp. 4/30/95)	Possessions Corporation Tax Credit Allowed Under Section 936	Used by domestic corporation that has elected to be treated as a possession corporation (Form 5712) to compute its tax credit.	Attached to income tax return for each year election is in effect. File the return with the Philadelphia Service Center.	Schedule P (Form 5735) must be attached if cost- sharing or profit - split method is elected (Form 5712A). Must have filed Form 5712.	Section 936
5735 Schedule P (Rev. 4/92)	Allocation of Income and Expenses Under Section 936(h)(5)	Used by a possession corporation that has elected to use either the cost sharing or profit split method of computing taxable income under section 936(h)(5).	Attached to Form 5735.		Section 936
6166 (Rev. 12/87)	Certification of Filing a Tax Return	Certification of filing by individuals, corporations or a corporation that was included in a consolidated return.		File with the IRS Philadelphia Service Center, P.O. Box 16347, Philadelphia, PA 19114. Partnerships must include authorization from each partner.	Publication 1392, IRS International Tax Forum

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
6781 (Annual Revision)	Gains and Losses from Section 1256 Contracts and Straddles	Used to report any gain or loss on section 1256 contracts under the marked-to-market rules and gains and losses under section 1092 from straddle positions, including certain foreign currency transactions.	Filed with the tax return.	Can be used to make various elections under Sections 1092 and 1256.	Section 1256 Temp. Reg. § 1.1092(b)-4T
8233 (Rev. 4/93) (Exp. 4/30/96)	Exemption from Withholding on Compensation for Independent Personal Services of a Nonresident Alien Individual	Used to claim an exemption from withholding on salaries and other compensation for personal services of a NRA by reason of a tax treaty or the personal exemption amount.	Filed with the withholding agent for each tax year of NRA; effective for payments made at least ten days after withholding agent files a copy of accepted form with IRS.	Agent accepts statement by making a certification on form that agent is satisfied exemption is warranted; a copy of form must be filed with IRS within five days of acceptance. Must attach copy of Form 8233 to Form 1042. Rev. Proc. 93-22 and Rev. Proc. 93-22A contain special representations required by alien students, teachers and researchers.	Reg. § 1.1441-4(b)(2)

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
8279 (Rev. 4/93) (Exp. 3/31/96)	Election to be Treated as a FSC or as a Small FSC	Used by foreign corporation to elect to be a FSC or a small FSC.	Same due dates as Form 4876A.	Special rules govern when a Form 5471 is required under Temp. Reg. § 1.921-1T(b)(1), 1.921-1T(b)(3); Form 926 is also applicable.	Section 927(f)(1) Temp. Reg. §§ 1.921-1T(b)(1), 1.921-1T(b)(3)
8288 (Rev. 3/93) (Exp. 2/29/96)	U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests	Used by buyer or other transferee of a U.S. real property interest (USRPI), and a corporation, partnership, or fiduciary that is required to withhold tax to report and transmit the amount withheld.	By 20th day after the date of the transfer. File with the FIRPTA Unit, Internal Revenue Service, Philadelphia, PA 19255	Withholding certificate may be issued by IRS to reduce or eliminate withholding on disposition of USRPI. Corporations, partnerships, trusts and estates may be subject to section 1445(e) for additional withholding. Must attach Form 8288-A to 8288.	Sections 1445(a), (e) Regs. §§ 1.1445-1(c), 1.1445-5(b)(5)
8288-A (Rev. 3/93) (Exp. 2/29/96)	Statement of Withholding on Dispositions by Foreign persons of U.S. Real Property Interests	Used by transferee to report and remit tax withheld on acquisition of a USRPI from a foreign person.	Attach copies A and B to Form 8288.	IRS will stamp copy B to show receipt and will mail stamped copy to transferor (person subject to withholding). Does not relieve transferor from filing appropriate income tax return. Attach to income tax return.	Sections 1445(a), (e) Regs. §§ 1.1445-1(c), 1.1445-5(b)(5)

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
8288-B (Rev. 3/93) (Exp. 2/29/96)	Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Real Property Interests	Used by foreign persons to reduce or eliminate withholding on U.S. Real Property Interest disposition.	No due date. Attach to Form 8288 if withholding is still required.	Either transferee or transferor may apply for the certificate.	Section 1445(c) Regs. §§ 1.1445-3, 1.445-6 Rev. Proc. 88-23
8300 (Rev. 2/92) (Exp. 9/30/94)	Report of Cash Payments over \$10,000 Received in a Trade or Business	Used by persons engaged in a trade or business that receive \$10,000 in cash in a single transaction or in two or more related transactions.	Within 15 days after the date of the transaction.	Cash also includes certain monetary instruments.	Section 6050I, Reg. § 1.6050I-1
8306 (Not Available)		Certificate of residence used by beneficial owner of fixed or determinable annual or periodic income and certain other income for entitlement to reduced treaty rate or exemption.	Filed with withholding agent prior to or on date of payment of such income.	Requirement is imposed by Prop. Reg. and is in addition to other requirements (such as Form 1001); form not yet released.	Prop. Reg. § 1.1441-6

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
8404 (Rev. 2/94) (Exp. 1/31/97)	Interest Charge on DISC-Related Deferred Tax Liability	Used by shareholders of IC- DISCs to calculate and report their interest on DISC- related deferred tax liability.	Due date of income tax return (excluding extensions) for the tax year that ends with or includes the IC- DISC's tax year-end for which the deferred DISC income is reported. Filed separately.	Use if the inclusion of deferred DISC income in the shareholder's tax return would result in increased taxable income.	Section 995(f) Prop. Reg. § 1.995(f)- 1(i)(3)

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
8453-NR (Annual Revision)	U.S. Nonresident Alien Income Tax Declaration for Magnetic Media Filing	Used to authenticate the magnetic media portion of Form 1040NR, serve as a transmittal for any accompanying paper schedules, statements, and magnetic media, to authorize the magnetic media return originator to transmit via a third-party transmitter and provide the taxpayer's consent to directly deposit any overpayment in an account of a U.S. financial institution located in the U.S.	Same due date as Form 1040NR.	Every NRA filing Form 1040NR via magnetic media must file a signed Form 8453-NR. File with the Philadelphia Service Center, Attention: DP: 115, 11601 Roosevelt Blvd., Philadelphia, PA 19154	Rev. Proc. 93-25
8621 (Rev. 10/91) (Exp. 4/30/94)	Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund	A U.S. person must file every year that he owns, directly or indirectly, shares in a PFIC. A separate 8621 must be filed for each PFIC.	Must be filed by the due date (including extensions) of the federal income tax return.	One copy must be attached to the tax return and a duplicate copy filed with the Philadelphia Service Center.	Sections 1291, 1293, 1295 Temp. Regs. §§ 1.1291-9T, 1.1291-10T, 1.1294-1T and 1.1294-3T Notice 88-125

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
8689 (Annual Revision)	Allocation of Individual Income Tax of the Virgin Islands.	Used by U.S. citizen or resident to allocate U.S. tax to the Virgin Islands on income from sources in the Virgin Islands.	Same as Form 1040.	Identical returns must be filed with the U.S. and the Virgin Islands. File the U.S. return with the Philadelphia Service Center.	Section 932
8709 (Rev. 11/92) (Exp. 9/30/94)	Exemption from Withholding on Investment Income of Foreign Governments and International Organizations	Withholding is not required on amounts paid to a foreign government or international organization from U.S. sources that are exempt from taxation under section 892.	Not required to be filed. A withholding agent may require filing prior to the payment of income.		Sections 892, 1441 and 1442 Temp. Regs. §§ 1.892-7T(e) and 1.1441-8T(a) Notice 89-50.

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
8804 (Annual Revision)	Annual Return for Partnership Withholding Tax (Section 1446)	Filed by a U.S. or foreign partnership, or any person properly designated by such a partnership in any tax year effective after December 31, 1987, in which it has effectively connected gross income allocable to foreign partners.	On or before the 15th day of the 4th month following the close of the tax year of the partnership, except that a partnership consisting entirely of nonresident alien partners is to file on the 15th day of the sixth month following the close of the tax year of the partnership. File Form 2758 to request an extension of time to file Form 8804.	Revised form reflects section 1446 withholding rate of 39.6% on ECI allocable to noncorporate foreign partners and 35% to corporate partners for years after 1992. Must be filed without regard to whether the partnership is required to withhold tax under section 1446. The form is also a transmittal of Forms 8805. File with the Internal Revenue Service, P.O. Box 245, Bensalem, PA 19020	Section 1446 Rev. Proc. 89-31

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
8805 (Annual Revision)	Foreign Partner's Information Statement of Section 1446 Withholding Tax	To show the amount of effectively connected taxable income and the tax payments allocable to the foreign partner for the partnership's tax year.	Form 8805 should be delivered to the foreign partner by the due date of the partnership return (including extensions).	A separate Form 8805 must be filed for each foreign partner. A copy of each Form 8805 must be attached to the Form 8804 filed with IRS. A foreign partner must attach Form 8805 to its U.S. income tax return to claim a credit for its share of the section 1446 tax withheld by the partnership.	Section 1446 Rev. Proc. 92-66
				Form 8805 is to be provided to the foreign partner even if no section 1446 withholding tax is paid.	

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
8813 (Rev. 11/93) (Exp. 8/31/96)	Partnership Withholding Tax Payment (Section 1446)	Used to make payment to the IRS of withholding tax under section 1446. Each payment of section 1446 tax made during the partnership's tax year must be accompanied by Form 8813.	File on or before the 15th day of the fourth, sixth, ninth, and twelfth months of the partnership's tax year for U.S. income tax purposes.	Any additional amounts determined to be due are generally to be paid with the filing of Form 8804. However, if the partnership files Form 2758 to request an extension of time to file Form 8804, the balance of section 1446 withholding tax estimated to be due must be paid with Form 2758.	Section 1446
8819 (Rev. 7/93) (Exp. 5/31/96)	Dollar Election Under Section 985	Filed by a U.S. qualified business unit (QBU) to elect the U.S. dollar as the functional currency.	Filed with the tax return.	File with the Internal Revenue Service, P.O. Box 245, Bensalem, PA 19020	Reg. § 1.985-2(c)

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8833 (Rev. 3/93) (Exp. 3/31/96)	Treaty-Based Return Position Disclosure under Section 6114 or 7701(b).	Used by a taxpayer that maintains that a tax treaty overrules or modifies the Internal Revenue Code resulting in a reduction of tax.	Same as income tax return.	Attach to income tax return. A separate form is required for each position taken. May have to be attached to Form 5471. See Reg. § 301.6114-1(c) for items not required to be disclosed.	Section 6114 Reg. § 301.6114-1(d)
8840 (Annual Revision)	Closer Connection Exception Statement	Used by an alien individual to establish nonresidency under the closer connection exception to the substantial presence test.	Same as income tax return, including extensions.	Attach to income tax return. If no return due, file with the Philadelphia Service Center.	Section 7701(b) Reg. § 301.7701(b)-2

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
8843 (Annual Revision)	Statement for Exempt Individuals and Individuals With a Medical Condition	Used by an alien individual who is an exempt individual, such as a teacher, student or professional athlete, or other person who cannot leave the U.S. because of a medical condition or problem to exclude days for purposes of the substantial presence test.	Same as income tax return, including extensions.	Attach to income tax return. If no return due, file with the Philadelphia Service Center.	Section 7701(b)
8848 (Rev. 2/94) (Exp. 11/30/96)	Consent to Extend the Time to Access the Branch Profits Tax Under Regulations Sections 1.884-2T(a) and (c)	Used by a foreign corporation that has completely terminated its U.S. trade or business.	Due date of corporate tax return.	Attach to corporate tax return.	Reg. § 1.884-2T(a) and (c)
No Official Form 1		Statement by domestic corporation informing foreign interest-holder whether interest in the corporation is a U.S. Real Property Interest (USRPI).	Within a reasonable time after requested by the foreign person holding an interest in it. To IRS within 30 days after the statement is mailed to the interest holder.		Regs. § 1.897-2(h)(1) and (2)

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
No Official Form 2		Statement by domestic corporation certifying that corporation was not a U.S. Real Property Holding Corporation (USRPHC).	Must be obtained from the domestic corporation by the due date, including extensions, on which the disposition would otherwise be reported.	May be used to avoid withholding tax under Section 1445 if requested prior to the transfer and provided to the transferee.	Section 1445(b)(3) Reg. § 1.1445-2(c)(3) Reg. § 1.897-2(g)(1)(ii)
No Official Form 3		Used by a foreign person holding direct investments in USRPIs with an aggregate value of \$50,000 or more and not engaged in a trade or business in the U.S. at any time during the calendar year.	To be established by Regs.	IRS has decided not to exercise its authority to require this reporting.	Section 6039C T.D. 8000, 1985-1 C.B. 296
No Official Form 4 (Form W-8 may be used for this purpose)		Nonforeign certificate used to exempt USRPI transfer from withholding.	Given by transferor to transferee at or prior to closing of transaction.	Regulations not yet released; if IRS issues Regs. reporting will be prospective.	Regulations contain samples of acceptable certificates. 2(b)(2), 1.1445-5(b)(3)

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
No Official Form 5		Notice that withholding on USRPI transfer is not required due to nonrecognition rules.	Given by transferor to transferee at or prior to closing of transaction.	Transferee must file a copy with IRS by the 20th day after the transfer.	Regs. §§ 1.1445-2(d)(2), 1.1445-5(b)(2)
No Official Form 6		Election by foreign corporation to be treated as a domestic corporation for purposes of sections 897, 1445, Later election 6039C and related reporting requirements ("i" election).	Generally, any time before the first disposition of an interest in the electing corporation.	Within 60 days after its receipt of the election, IRS will acknowledge receipt and indicate that election is complete or specify any missing documents.	Sections 897(i) Regs. §§ 1.987-3(c), (d)
No Official Form 7 (Form 8288-B can be used for this purpose)		Withholding certificate obtained from IRS permitting reduction or elimination of section 1445(a) withholding.	Obtained at, prior to, or after closing of transaction.	IRS will act on request no later than 90 days after receipt or will provide a target date for final action by 45th day.	Reg. § 1.1445-3(a)

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
No Official Form 8		Report relating to interests in foreign partnerships.	90 days after change in ownership.	Form not yet released; filing not required until 90th day after publication of Regulations.	Section 6046A IR-82-149, 12/21/82
TD F 90-22.1 (Rev. 10/92) (Exp. 9/95)	Report of Foreign Bank and Financial Accounts	Used to report an interest in, or authority over, securities or financial accounts in a foreign country that exceed \$10,000 in aggregate value at any time during the calendar year.	On or before the following 6/30 for each calendar year with Department of Treasury, Detroit, Michigan.	This Treasury form is included in this table because it is referred to in corporate income tax, individual income tax and partnership returns.	31 U.S.C., Section 5311-5322 31 C.F.R., Section 103.24

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<u>Form</u>	<u>Form Title</u>	<u>Description</u>	<u>Due Date</u>	<u>Comments</u>	<u>Authority</u>
W-8 (Rev. 11/92)	Certificate of Foreign Status	To advise payer or intermediary that nonresident alien or foreign entity is not subject to certain U.S. information return reporting and/or to backup withholding rules under sections 6049(a), 6042(a), 6044, 6041, 6041A(a), 6045, 6050A and 6050N.	In calendar year in which payment is made; for brokerage sales or barter exchanges, in year transaction took place.	Certificate generally effective for three years, but payer, etc., may request one each time a payment is made to you. Filer must notify payer within 30 days of becoming a U.S. citizen or resident, or when you cease to be exempt foreign person.	Section 3406, Temp. Reg. § 35a.9999-2 Q&A-22
				Form W-8 does not exempt the payee from the 30 percent (or lower treaty) withholding rates.	

**FORM 5471 FILING REQUIREMENTS
(JUNE 1995)**

Form 5471 Schedule	Description	U.S. Citizen or Resident		U.S. Person		
		Category 1	Category 2	Category 3	Category 4	Category 5
		Officer, Director, or 10% or More Shareholder in FPHC	Officer or Director Foreign Corp. in which a U.S. Person Acquires or Increases Ownership by 5% or More	Acquiring or Disposing of 5% Interest (Note 1)	Controlled by U.S. Person (Note 2)	10% or More Shareholder in CFC (Note 2)
A	Stock of Foreign Corporation	X		X	X	
B	U.S. Shareholders of Foreign Corporation	X		X	X	
C	Income Statement (Note 3)			X	X	
E	Income, War Profits and Excess Profits Taxes Paid or Accrued (Note 4)			X	X	
F	Balance Sheets (Note 3)			X	X	
H	Current Earnings and Profits				X	X
I	Summary of Shareholder's Income from				X	X (Note 5)
J	Accumulated Earnings and Profits (E&P) of Controlled Foreign Corporation				X	X
M	Transactions Between Controlled Foreign Corporation and Shareholders or Other Related Persons				X	
N	Return of Officers, Directors, and 10% or More Shareholders of a Foreign Personal Holding Company	X				
O	Organization or Reorganization of Foreign Corporation and Acquisitions and Dispositions of its Stock		X	X		

NOTES:

- (1) Acquires a cumulative 5% or more ownership; acquires additional 5% or more of value; owns 5% or more when reorganized; or disposes of sufficient shares so value is less than 5% of outstanding; or owns 5% or more of value when becoming a U.S. person.
- (2) Provided foreign corporation is owned for t least 30 days during the foreign corporation's year. For category 5, the stock must be owned on the last day of the foreign corporations's year.
- (3) The schedule must be completed using GAAP information and in U.S. dollars
- (4) Taxes should be translated at the exchange rate on the date the taxes were paid.
- (5) Separate schedule must be filed for each category 5 shareholder.

NAME CHANGE - if the name of the filing or reporting company has changed attach a statement to that effect

ADDITIONAL RESOURCES FOR INFORMATION

CONTACT

Department of Agriculture
14th & Independence Ave., SW
Washington, DC 20250
202-720-8732

Department of Commerce
15th & Constitution Ave., NW
Washington, DC 20230

Department of Energy
1000 Independence Avenue, SW
Washington, DC
202-586-5000

Department of Interior
1849 C Street, NW
Washington, DC
202-208-3100

Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210
202-523-6666

Department of Transportation
400 7th Street, SW
Washington, DC 20590
202-366-4000

Comptroller of the Currency
(See U.S. Customs information)
301-344-8577 for publications

FORMS

Agriculture Foreign
Disclosure Act of 1978 (AFID).

International Investment
Survey of 1976 (IISA)
BE-12, BE-13, BE-14, BE-15 Form 301-
443-8910 BE-605 and BE-606B. Bureau of
Economic Analysis Report.

Immigration and Naturalization Act (INA)
Visas-B-1, E-1, E-2, H-1 and L-1.

Licensing of foreign air carriers in the U.S.
Maritime industry.

APPENDIX II

Federal Deposit Insurance Corporation
550 17th Street, NW
Washington, DC
202-393-8400

Federal Reserves System
20th & C Streets, NW
Washington, DC 20551
202-452-3000

Check with the state comptroller in the state in which the entity will operate.

Federal Communications Commission
1919 M Street, NW
Washington, DC
202-623-7000

Check with relevant state agency in the state in which the entity will operate.

Immigration and Naturalization Service Alien Information:
4420 North Fairfax Drive
Arlington, VA
703-301-1501 or 800-777-7700

Central Office:
425 I Street, NW
Washington, DC
202-514-2000

Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC
Forms 800-829-1040

U.S. Customs Service
1301 Constitution Avenue, NW
Washington, DC
General Info recording
202-927-2095