

ID: CCA_2011082508182654

Number: **201138043**

Office:

Release Date: 9/23/2011

UILC: 6708.00-00

From:

Sent: Thursday, August 25, 2011 8:18:49 AM

To:

Cc:

Subject: RE: Section 6708 and effective dates

No, section 6708 applies to any person required to maintain a list under section 6112(a), both before and after the 2004 amendments to section 6112(a). See Notice 2004-80, 2004-2 C.B. 963; Technical Explanation of the Revenue Provisions of H.R. 4440, JCX-88-05, at pages 87-88 ("The provision clarifies that the penalty under section 6708 for failing to comply with the section 6112 list maintenance requirements applies to both (1) material advisors with respect to reportable transactions under present-law section 6112, and (2) organizers and sellers of potentially abusive tax shelters under prior-law section 6112.").