

ID: CCA\_2014072215170007

[Third Party Communication:

UILC: 6501.04-03

Date of Communication: Month DD, YYYY]

Number: **201432020**

Release Date: 8/8/2014

---

**From:** [REDACTED]

**Sent:** Tuesday, July 22, 2014 3:17:00 PM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Bcc:**

**Subject:** 6501(c)(8)

I understand you have a question about 6501(c)(8) as it relates to one of your cases. I hope this clarifies things for you.

In your case, section 6501(a)'s period of limitations would have expired in prior to the effective date of the HIRE Act. Section 6501(c)(8), however, prior to the HIRE Act would have kept the statute open as to the entire return due to the taxpayer's failure to file the Form 5471. When the HIRE Act comes in in 2010, amending slightly section 6501(c)(8), the effective date provision of the Act provides that the HIRE Act (2010) version of 6501(c)(8) applies to returns filed after the effective date (not our case) AND, returns filed before the effective date (our case) if the section 6501 statute of limitations was still open as of the date of the enactment of HIRE Act. Given that the period of limitations was open on the whole return under the pre-HIRE version of the 6501(c)(8) at the time of the enactment of HIRE Act, it remains open under HIRE act as to the whole return.

If the taxpayer files the missing 5471, however, and establishes that it had reasonable cause for the late filing of the form, then the statute of limitations under section 6501(C)(8) would be open for a period of three years from the date of the filing of the form, but the assessment period would only be open as to the items related to the late-filed information return pursuant to 6501(c)(8)(B).

If any other provision of section 6501 keeps the assessment period open for a longer period of time (such as 6501(e) or (c)(3)) then we would rely on the longest assessment period possible.

Internal Revenue Service  
Office of Chief Counsel  
1111 Constitution Ave., NW  
Washington, DC 20224