

MEMO# 26071

April 24, 2012

ICI Letter to IRS Regarding Web Posting of Form 8937

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TO: ADVISER DISTRIBUTOR TAX ISSUES TASK FORCE No. 6-12
BANK, TRUST AND RETIREMENT ADVISORY COMMITTEE No. 17-12
BDAC COST BASIS REPORTING TASK FORCE No. 6-12
BROKER/DEALER ADVISORY COMMITTEE No. 18-12
OPERATIONS COMMITTEE No. 12-12
SMALL FUNDS COMMITTEE No. 13-12
TAX MEMBERS No. 18-12
TAAC COST BASIS REPORTING TASK FORCE No. 3-12
TRANSFER AGENT ADVISORY COMMITTEE No. 23-12 RE: ICI LETTER TO IRS REGARDING WEB POSTING OF FORM 8937

The Institute has submitted the attached letter to the Internal Revenue Service ("IRS") and the Treasury Department regarding website posting of Form 8937, "Report of Organizational Actions Affecting Basis of Securities." Under current law, issuers of securities who wish to take advantage of the public reporting option under section 6045B of the Internal Revenue Code for reporting corporate actions that affect basis must post an actual completed Form 8937 to their public website. The Institute's letter asks the IRS and Treasury Department to grant issuers, including regulated investment companies ("RICs"), more flexibility in posting such information on their websites. The letter argues that allowing issuers to determine the best format for relaying this information to the public, rather than requiring issuers to post a completed Form 8937, will benefit both taxpayers and the IRS. Requiring issuers to post the actual form will result in confusion to shareholders and brokers and raises privacy concerns. Issuers, including RICs, thus should be permitted to use any format on their public website, provided that all of the requisite information under section 6045B clearly is available.

Karen Lau Gibian
Associate Counsel

[Attachment](#)

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