

IRS Listed Transactions and Transactions of Interest

Current as of October 2, 2026

Listed transactions are arrangements the IRS has identified as tax avoidance; transactions of interest are those it believes have potential for abuse but needs more information on. Participants and material advisors in either category must disclose on Form 8886 or Form 8918. Color reflects relative level of concern based on current IRS enforcement focus and relevance to business owner and family planning.

Lower concern  Higher concern

Listed by Final Regulation

Current enforcement priorities

Syndicated conservation easements	Notice 2017-10; final regs 2024 (Reg. 1.6011-9)
CRAT appreciated-property sale and annuity strategy	TD 10051, effective July 9, 2026 (Reg. 1.6011-15)

Listed by Notice or Ruling

Legacy designations still on the IRS list

Son of BOSS inflated partnership basis	Notice 2000-44
Abusive Roth IRA transactions	Notice 2004-8
Offshore deferred compensation via leasing companies	Notice 2003-22
CARDS inflated basis loans	Notice 2002-21
Intermediary transactions	Notice 2001-16; clarified by Notice 2008-111
Excess life insurance in 412(i) defined benefit plans	Rev. Rul. 2004-20
Cash value life insurance welfare benefit trusts	Notice 2007-83 (vacated in the 6th Circuit)
S corp nonvoting stock donated to exempt orgs	Notice 2004-30
Multiple employer welfare benefit funds (VEBA)	Notice 95-34
Collectively bargained welfare benefit funds	Notice 2003-24
Corporate distributions of encumbered property (BOSS)	Notice 99-59
Compensatory stock options transferred to related persons	Notice 2003-47
S corp ESOP prohibited allocations	Rev. Rul. 2004-4
Partnership, S corp, and common trust fund straddles	Notices 2002-50, 2002-65, 2003-54
Loss importation	Notice 2007-57
Distressed asset trust (DAT)	Notice 2008-34
Basket option contracts	Notice 2015-73
Guam trusts	Notice 2000-61
Section 351 contingent liability	Notice 2001-17
Section 302 basis shifting	Notice 2001-45
Notional principal contracts	Notice 2002-35
Lease-in/lease-out (LILO)	Rev. Rul. 2002-69
Sale-in/lease-out (SILO)	Notice 2005-13
Lease strips	Notice 2003-55
Contested liability trusts under 461(f)	Notice 2003-77

Offsetting foreign currency option contracts	Notice 2003-81
Foreign tax credit 338 transactions	Notice 2004-20
Contingent installment sales (ASA/ACM)	ASA Investing litigation
Certain charitable remainder trust distributions	Reg. 1.643(a)-8
Fast-pay / step-down preferred stock	Reg. 1.7701(l)-3
Debt straddles	Rev. Rul. 2000-12
Subsidiary stock compensation	Notice 2000-60
Intercompany financing through partnerships	Notice 2004-31
401(k) accelerated deductions	Rev. Rul. 90-105; Rev. Rul. 2002-46

Transactions of Interest

Disclosure required, not yet deemed abusive

Section 831(b) micro-captive insurance	Reg. 1.6011-11; listed tier vacated, Drake Plastics (S.D. Tex. 2026)
Sale of charitable remainder trust interests	Notice 2008-99
Successor member interest charitable contributions	Notice 2007-72
Grantor trust status toggling	Notice 2007-73
Basket contracts	Notice 2015-74
Subpart F avoidance via domestic partnership	Notice 2009-7
Partnership related-party basis shifting	TD 10028; removal proposed, penalties waived

Proposed or on Watch

Not yet in force

Malta personal retirement schemes	Prop. Reg. 1.6011-12 (2023); stalled
Monetized installment sales	REG-109348-22 (2023)
Basket contracts as listed transactions	REG-102161-23 (2024)
Investment fund and tax-aware ETF strategies	Notice 2026-62; Rev. Rul. 2026-20 (Sept 2026)

Notes on Status and Accuracy

Newest designation. TD 10051 made certain CRAT transactions listed transactions effective July 9, 2026. It targets appreciated property contributed to a purported CRAT, sold by the trust, with proceeds used to buy an annuity and payments reported under Sec. 72 instead of the Sec. 664(b) ordering rules. Pre-existing transactions must be disclosed by October 7, 2026. Ordinary CRATs are not affected.

IRS pages lag. The IRS listed transactions page (last updated April 2026) does not yet reflect TD 10051, and the transactions of interest page still cites Notice 2016-66 for micro-captives, which 2025 final regulations replaced with separate listed and TOI tiers.

Micro-captives. In *Drake Plastics v. IRS* (S.D. Tex., April 15, 2026), the court vacated the listed transaction tier (Reg. 1.6011-10) but upheld the transaction of interest tier (Reg. 1.6011-11), so 831(b) arrangements meeting the TOI factors still require Form 8886 disclosure. The plaintiffs have appealed the TOI ruling to the Fifth Circuit. A second Texas court (*Ryan LLC*, N.D. Tex., June 26, 2026) also upheld the TOI tier, and CIC Services is before the Sixth Circuit after a Tennessee court upheld both tiers.

Basis shifting. Notice 2025-23 waived disclosure penalties, and Treasury has proposed removing the January 2025 TOI regulations entirely.

Legacy notices. Courts have held that listed transactions cannot be identified by notice alone without APA notice-and-comment procedures, which is why the IRS has re-issued key designations as regulations. Notice-based items remain on the IRS list but carry more litigation risk for the government.

Scoring. Colors reflect editorial judgment, not an IRS ranking.

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