

Caution: DRAFT FORM

This is an advance proof copy of an IRS tax form. It is subject to change and OMB approval before it is officially released. You can check the scheduled release date on our web site (www.irs.gov).

If you have any comments on this draft form, you can submit them to us on our web site. Include the word DRAFT in your response. You may make comments anonymously, or you may include your name and e-mail address or phone number. We will be unable to respond to all comments due to the high volume we receive. However, we will carefully consider each suggestion. So that we can properly consider your comments, please send them to us within 30 days from the date the draft was posted.

Department of the Treasury
Internal Revenue Service

▶ **Attach to your tax return.**
▶ **See separate instructions.**

2008
Attachment
Sequence No. **126**

Name(s) as shown on return

Identifying number

Part I Elections and Other Information

- 1 Check the box if you are electing under section 942(a)(3) to exclude a portion of your gross receipts from foreign trading gross receipts on line 15. Attach a schedule indicating which receipts are being excluded ▶
- 2 Check the box if you are electing to apply the extraterritorial income exclusion provisions to certain transactions involving a FSC (see instructions). Attach a schedule listing the affected transactions ▶
- 3 Check the box if the taxpayer is a foreign corporation electing to be treated as a domestic corporation (see instructions) ▶
- 4a Are you excepted from the foreign economic process requirements because your foreign trading gross receipts are \$5 million or less? ▶ Yes No
- b If "No," check the applicable box to indicate how you met the foreign economic process requirements:
 - (1) You met the 50% foreign direct cost test (see instructions).
 - (2) You met the alternative 85% foreign direct cost test (see instructions).
- 5 See instructions before completing lines 5a through 5c. **Note:** For transactions for which the exclusion is determined using the foreign sale and leasing income method (i.e., line 44 equals line 45), complete only lines 5a and 5c(1).
 - a Business activity code _____ b Product or product line _____
 - c Check the applicable box to indicate the basis of your reporting:
 - (1) Transaction-by-transaction:
 - (a) Aggregate on Form 8873 (b) Aggregate on tabular schedule (c) Tabular schedule of transactions
 - (2) Group of transactions

Part II Foreign Trade Income and Foreign Sale and Leasing Income

Caution: If a related person is also eligible for an extraterritorial income exclusion, see **Excluded property** in the instructions.

	(a) Foreign Trade Income	(b) Foreign Sale and Leasing Income
6 Sale, exchange, or other disposition of qualifying foreign trade property		
7 Enter the amount from line 6, column (a), attributable to the sale of property formerly leased or rented for use by the lessee outside the United States		
8 Lease or rental of qualifying foreign trade property for use by the lessee outside the United States. Enter the same amount in both columns		
9 Services related and subsidiary to the sale, exchange, or other disposition of qualifying foreign trade property		
10 Enter the amount from line 9, column (a), attributable to the sale of property formerly leased or rented for use by the lessee outside the United States		
11 Services related and subsidiary to the lease of qualifying foreign trade property for use by the lessee outside the United States. Enter the same amount in both columns		
12 Engineering or architectural services for construction projects outside the United States		
13 Managerial services provided to unrelated persons (see instructions)		
14 Enter the sum of the amounts from lines 6, 9, 12, and 13 of column (a) attributable to foreign economic processes. Do not include any amounts already included on lines 7, 8, 10, or 11 in column (b)		
15 Foreign trading gross receipts. Add lines 6 through 13 in column (a)		
16 Add lines 7 through 14 in column (b)		
17 Cost of goods sold:		
a Inventory at beginning of year		
b Purchases		
c Cost of labor		
d Additional section 263A costs (attach schedule)		
e Other costs (attach schedule)		
f Total. Add lines 17a through 17e		
g Inventory at end of year		
h Subtract line 17g from line 17f		
18 In column (a), subtract line 17h from line 15. In column (b), subtract line 17h from line 16.		
19 Other expenses and deductions (see instructions) (attach schedule)		
20 Foreign trade income. In column (a), subtract line 19 from line 18. If -0- or less, stop here. You do not qualify for the exclusion		
21 Foreign sale and leasing income. In column (b), subtract line 19 from line 18		

Part III Marginal Costing (Note: If you are **not** using Marginal Costing, skip Part III and go to Part IV.)

Section A — Foreign Trade Income Using Marginal Costing Method

22	Foreign trading gross receipts. Enter the amount from line 15		22	
23	Costs and expenses allocable to the amount reported on line 22:			
	a Cost of direct material attributable to property sold	23a		
	b Cost of direct labor attributable to property sold	23b		
	c Add lines 23a and 23b		23c	
24	Subtract line 23c from line 22		24	
25	Worldwide gross receipts from sales of the product or product line		25	
26	Costs and expenses allocable to the amount reported on line 25:			
	a Cost of goods sold attributable to property sold	26a		
	b Other expenses and deductions attributable to gross income	26b		
	c Add lines 26a and 26b		26c	
27	Subtract line 26c from line 25. (Note: If -0- or less, stop here. You may not use Part III to determine your qualifying foreign trade income. Go to line 37.)		27	
28	Overall profit percentage. Divide line 27 by line 25. Carry the result to at least three decimal places		28	
29	Overall profit percentage limitation. Multiply line 22 by line 28		29	
30	Foreign trade income using marginal costing. Enter the smaller of line 24 or line 29		30	

Section B — 15% of Foreign Trade Income Method

31	Multiply line 30 by 15% (.15)	31		
32	Foreign trade income using full costing. Enter the amount from line 20	32		
33	Enter the smaller of line 31 or line 32	33		

Section C — 1.2% of Foreign Trading Gross Receipts Method

34	Multiply line 22 by 1.2% (.012)	34		
35	Multiply line 30 by 30% (.30)	35		
36	Enter the smallest of lines 32, 34, or 35	36		

Part IV Extraterritorial Income Exclusion (Net of Disallowed Deductions)

37	Enter your foreign trade income from line 20	37		
38	Multiply line 37 by 15% (.15)	38		
39	Enter your foreign trading gross receipts from line 15	39		
40	Multiply line 39 by 1.2% (.012)	40		
41	Multiply line 38 by 2.0	41		
42	Enter the smaller of line 40 or line 41	42		
43	Enter your foreign sale and leasing income from line 21	43		
44	Multiply line 43 by 30% (.30)	44		
45	Enter the greatest of lines 33, 36, 38, 42, or 44. If you are using the alternative computation, see instructions for the amount to enter	45		
	Note: If you do not have a reduction for international boycott operations, illegal bribes, kickbacks, etc. (see the instructions for line 50), skip lines 46 through 51 and enter on line 52 the amount from line 45.			
46	If line 44 equals line 45, divide the amount on line 45 by the amount on line 43. Otherwise, divide the amount on line 45 by the amount on line 37. Carry the result to at least three decimal places	46		
47	If line 44 equals line 45, enter the amount from line 19, column (b). Otherwise, enter the amount from line 19, column (a)	47		
48	Multiply line 46 by line 47	48		
49	Add lines 45 and 48	49		
50	Reduction for international boycott operations, illegal bribes, kickbacks, etc. (see instructions)	50		
51	Qualifying foreign trade income. Subtract line 50 from line 49. If -0- or less, stop here. You do not qualify for the exclusion	51		
52	Extraterritorial income exclusion (net of disallowed deductions). Subtract line 48 from line 51. Enter the result here and include it on the "other deductions" line of your tax return or schedule (see instructions)	52		