

SUPPORTING STATEMENT
Internal Revenue Service (IRS)
Waiver of Right to Consistent Agreement of Partnership Items and Partnership-Level Determinations as to Penalties, Additions to Tax, and Additional Amounts
Form 13751
OMB # 1545-1969

1. **CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION**

The collection of information, prescribed by Internal Revenue Code (IRC) section 6404(g), is required to effectively resolve large groups of abusive tax avoidance transactions in a single initiative. As Form 13751, “Waiver of Right to Consistent Agreement of Partnership Items and Partnership-Level Determinations as to Penalties, Additions to Tax, and Additional Amounts,” is expressly designated as the only means of applying for certain benefits in the initiative.

Information is required to apply the terms of the settlement initiative and determine the suitable amount of any penalties. Collecting information is required to obtain the benefit described. The likely respondents are individuals who are ineligible to participate in the settlement initiative, but whose partnership interest in a TEFRA (Tax Equity and Fiscal Responsibility Act of 1982), IRC Sec. 6224 as in effect on December 31, 2017, partnership could preclude the other partners from participating, even though they would be otherwise eligible.

2. **USE OF DATA**

The information requested on Form 13751 will be used to determine the eligibility for participation in the settlement initiative of taxpayers related through TEFRA partnerships to ineligible applicants. Such determinations will involve partnership items and partnership-level determinations, as well as the calculation of tax liabilities resolved under this initiative, including penalties, and interest.

3. **USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN**

The agency has no plans at this time to offer electronic filing because of the low volume compared to the cost of electronic enabling.

4. **EFFORTS TO IDENTIFY DUPLICATION**

The information obtained through this collection is unique and is not already available or use or adaption from another source.

5. **METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES**

There are no small entities affected by this collection.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES

The collection of information and determinations will involve partnership items and partnership-level determinations, as well as the calculation of tax liabilities resolved under this initiative, including penalties and interest. The collection of information, prescribed by Sec. 6404(g), is required to effectively resolve large groups of abusive tax avoidance transactions in a single initiative. Tax avoidance transactions negatively affect the collection of revenue needed to support government programs.

7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

There are no special circumstances requiring data collection to be inconsistent with Guidelines in 5 CFR 1320.5(d)(2).

8. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

In response to the **Federal Register** notice dated March 7, 2022 (87 FR 12775), the agency received no comments during the comment period regarding Form 13751.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

No payment or gift has been provided to any respondents.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 USC 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

A privacy impact assessment (PIA) has been conducted for information collected under this request as part of the “Individual Master File (IMF)” system and a Privacy Act System of Records notice (SORN) has been issued for this system under: Treas/IRS 24.030 CADE Individual Master File, and Treas/IRS 34.037 IRS Audit Trail and Security Records System. The Internal Revenue Service PIAs can be found at <https://www.irs.gov/uac/Privacy-Impact-Assessments-PIA> .

Title 26 USC 6109 requires inclusion of identifying numbers in returns, statements, or other documents for securing proper identification of persons required to make such returns, statements, or documents and is the authority for social security numbers (SSNs) in

IRS systems.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

Form 13751 is only a waiver form, and does not require extensive detail or information, the estimated annual burden per respondent is anticipated to be 1 hour or less.

The estimated number of respondents is 25 and the frequency of responses is one time per respondent. The estimated total annual burden is 25 hours.

Form	Description	# Respondents	# Responses Per Respondent-Approximate	Total Annual Responses	Hours Per Response	Total Burden
13751	Waiver of Right to Consistent Agreement of Partnership Items and Partnership-Level Determinations as to Penalties, Additions to Tax, and Additional Amounts	25	1	25	1	25 hours
Total		25	1	25	1	25 hours

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

To ensure more accuracy and consistency across its information collections, IRS is currently in the process of revising the methodology it uses to estimate burden and costs. Once this methodology is complete, IRS will update this information collection to reflect a more precise estimate of burden and costs.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

There is no annualized cost to the federal government. The forms will be downloaded by taxpayer representatives, filled out, and printed on their own printers.

15. REASONS FOR CHANGE IN BURDEN

There are no changes to the form that would affect burden. However, the burden for Form 13751 has decreased due to better estimates based on most recent filing data. This decreases the burden by 75 responses and 75 hours due to adjustment in Agency Estimates. IRS is making this submission for renewal purposes.

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	25	0	0	-75	0	100
Annual Time	25	0	0	-75	0	100

Burden (Hr)						
Annual Cost Burden (\$)	0	0	0	0	0	0

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

There are no plans for tabulation, statistical analysis, and publication.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

IRS believes that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the regulations sunsets as of the expiration date. Taxpayers are not likely to be aware that the IRS intends to request renewal of the OMB approval and obtain a new expiration date before the old one expires.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions to the certification statement.

Note: The following paragraph applies to all of the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.