

## **SUPPORTING STATEMENT**

Internal Revenue Service

Form 13751, Consistent Agreement of Partnership Items and Partnership-Level Determinations as to Penalties, Additions to Tax, and Additional Amounts

OMB Control Number 1545-1969

### **1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION**

Internal Revenue Code (IRC) Section 6404(g) is required to effectively resolve large groups of abusive tax avoidance transactions in a single 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 Section. 6224(b) as in effect on December 31, 2017, partnership could preclude the other partners from participating, even though they would be otherwise eligible.

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 used by partners in a TEFRA partnership who elect to waive their rights to consistent settlement under IRC Section 6224(c)(2). It may be used by a partner who is an ineligible partner under the terms of a settlement initiative to allow eligible partners to participate in the settlement. It may also be used in other situations where a partner elects to waive their rights to consistent settlement. It may be used when a taxpayer is in examination or Appeals.

### **2. USE OF DATA**

The information is used by the Internal Revenue Service (IRS) to determine the eligibility for participation in the settlement initiative of taxpayers related through TEFRA partnerships to ineligible applicants.

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

The IRS has no plans at this time to offer electronic filing due to the low number of filers.

### **4. EFFORTS TO IDENTIFY DUPLICATION**

The information obtained through this collection is unique and is not already available for use or adaptation 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.

The information required is needed to verify compliance with Section 4401 of the IRC and the Treasury Regulations. A less frequent collection of taxes and tax information could adversely affect the government's effectiveness and would reduce the oversight of the public in ensuring compliance with IRC and hinder the IRS from meeting its mission.

**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**

We received no comments during the public comment period in response to the Federal Register notice (90 FR 18000), dated April 30, 2025.

**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 U.S.C. 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/privacy-disclosure/privacy-impact-assessments-pia>.

Title 26 U.S.C. 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**

The IRS anticipates that there will be 25 respondents annually, for a total estimated burden of 25 hours annually.

The burden estimate is as follows:

<b>Authority</b>	<b>Description</b>	<b># of Respondents</b>	<b># of Responses per Respondent</b>	<b>Annual Responses</b>	<b>Hours per Response</b>	<b>Total Burden Hours</b>
IRC § 6224	Form 13751	25	1	25	1	25
<b>Totals</b>		<b>25</b>		<b>25</b>		<b>25</b>

**13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS**

There are no start-up or maintenance costs for this collection. The collection does not require respondents to obtain specialized equipment or professional services.

**14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT**

There is no annualized cost to the federal government outside of regular agency activities such as taxpayer assistance and enforcement.

**15. REASONS FOR CHANGE IN BURDEN**

There were no changes made to the forms that resulted in any change to the burden previously reported to OMB.

**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 form 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.