

TTB F 5600.38 (12/2021)

**Conditions Under Which Extensions of Time for Payment May Be
Granted Under Section 6161 of Title 26 United States Code**

You may be granted an extension of time for payment of your tax if you can show that it will cause you undue hardship to pay it on the date it is due. To receive consideration, your application must be filed with the Alcohol and Tobacco Tax and Trade Bureau on or before the date payment is due. The application will be considered timely if postmarked on or before the due date.

1. **Undue Hardship** - This means more than inconvenience. You must show that you will have substantial financial loss if you pay your tax on the date it is due. (Such a loss could be caused by having to sell property at a sacrifice price.) You must show that you do not have enough cash, above necessary working capital, to pay the tax. In determining cash available, include anything you can convert into cash, and use current market prices. Also show that you are unable to borrow money to pay the tax, except under terms that will cause you severe loss and hardship.
2. **Limitations** - As a general rule, an extension of time to pay any part of the tax imposed by Chapters 32, 51, 52, and 53 of Title 26 U.S.C. is limited to 6 months from the date fixed for payment. An extension may be granted for more than 6 months if you are abroad. No extension is granted to pay a deficiency that is due to negligence, intentional disregard of rules and regulations, or fraud with intent to evade tax.
3. **Interest** - You are still responsible for paying interest on the unpaid tax. Interest is charged at the rate established under 26 U.S.C. 6621(a) (subject to adjustments as provided in 26 U.S.C. 6621(b)).
4. **Due Date of Payment for Which Extension is Granted** - On or before the end of the extension period, pay the tax for which the extension is granted (without notice and demand from the Director, National Revenue Center).
5. **Filing Requirements** - Submit this application with supporting documents on or before the date the tax is due. Attach this application to your tax return and mail it to the appropriate Lockbox as indicated on the tax return.

MAILING INSTRUCTIONS: Send the completed form and any applicable additional information to:

**Alcohol and Tobacco Tax and Trade Bureau
National Revenue Center
550 Main Street
Suite 8002
Cincinnati, OH 45202-5215**

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The purpose of this information collection is for the taxpayer to provide TTB with the information necessary to determine that the payment of taxes may be extended because of undue hardship to the taxpayer as authorized by statute at 26 U.S.C. 6161.

The estimated average burden associated with this collection of information is 1 hour per respondent. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Paperwork Reduction Act Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Box 12, Washington, D.C. 20005. (Please do not mail completed forms to this address.)

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.

PRIVACY ACT INFORMATION

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. 522a(e)(3)):

1. **AUTHORITY.** Solicitation of this information is made pursuant to 26 U.S.C. 6161. Disclosure of this information by the respondent taxpayer is necessary to obtain a benefit.
2. **PURPOSE.** This collection of information is necessary to execute an extension of time for payment of tax agreement between the respondent taxpayer and the Alcohol and Tobacco Tax and Trade Bureau (TTB).
3. **ROUTINE USES.** TTB will use the collected information for the purpose set forth in paragraph 2. In addition, TTB may disclose the collected information to other Federal, State, foreign, and local law enforcement and regulatory agency personnel to verify information on the form where such disclosure is not prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public when authorized by statute or regulations.
4. **EFFECT OF NOT SUPPLYING INFORMATION REQUESTED.** Failure to supply complete information may prevent TTB from approving the requested installment agreement.