

SUBPART B—CLAIMS FOR ADJUSTMENTS BY  
PARTNERSHIP

Sec. 6251.	Administrative adjustment requests.
6252.	Judicial review where administrative adjustment request is not allowed in full.

**§ 6251. Administrative adjustment requests**

**(a) General rule**

A partnership may file a request for an administrative adjustment of partnership items for any partnership taxable year at any time which is—

- (1) within 3 years after the later of—
  - (A) the date on which the partnership return for such year is filed, or
  - (B) the last day for filing the partnership return for such year (determined without regard to extensions), and
- (2) before the mailing to the partnership of a notice of a partnership adjustment with respect to such taxable year.

**(b) Secretarial action**

If a partnership files an administrative adjustment request under subsection (a), the Secretary may allow any part of the requested adjustments.

**(c) Special rule in case of extension under section 6248**

If the period described in section 6248(a) is extended pursuant to an agreement under section 6248(b), the period prescribed by subsection (a)(1) shall not expire before the date 6 months after the expiration of the extension under section 6248(b).

(Added Pub. L. 105-34, title XII, § 1222(a), Aug. 5, 1997, 111 Stat. 1016.)

**§ 6252. Judicial review where administrative adjustment request is not allowed in full**

**(a) In general**

If any part of an administrative adjustment request filed under section 6251 is not allowed by the Secretary, the partnership may file a petition for an adjustment with respect to the partnership items to which such part of the request relates with—

- (1) the Tax Court,
- (2) the district court of the United States for the district in which the principal place of business of the partnership is located, or
- (3) the Claims Court.

**(b) Period for filing petition**

A petition may be filed under subsection (a) with respect to partnership items for a partnership taxable year only—

- (1) after the expiration of 6 months from the date of filing of the request under section 6251, and
- (2) before the date which is 2 years after the date of such request.

The 2-year period set forth in paragraph (2) shall be extended for such period as may be agreed upon in writing by the partnership and the Secretary.

**(c) Coordination with subpart A**

**(1) Notice of partnership adjustment before filing of petition**

No petition may be filed under this section after the Secretary mails to the partnership a notice of a partnership adjustment for the partnership taxable year to which the request under section 6251 relates.

**(2) Notice of partnership adjustment after filing but before hearing of petition**

If the Secretary mails to the partnership a notice of a partnership adjustment for the partnership taxable year to which the request under section 6251 relates after the filing of a petition under this subsection but before the hearing of such petition, such petition shall be treated as an action brought under section 6247 with respect to such notice, except that subsection (b) of section 6247 shall not apply.

**(3) Notice must be before expiration of statute of limitations**

A notice of a partnership adjustment for the partnership taxable year shall be taken into account under paragraphs (1) and (2) only if such notice is mailed before the expiration of the period prescribed by section 6248 for making adjustments to partnership items for such taxable year.

**(d) Scope of judicial review**

Except in the case described in paragraph (2) of subsection (c), a court with which a petition is filed in accordance with this section shall have jurisdiction to determine only those partnership items to which the part of the request under section 6251 not allowed by the Secretary relates and those items with respect to which the Secretary asserts adjustments as offsets to the adjustments requested by the partnership.

**(e) Determination of court reviewable**

Any determination by a court under this section shall have the force and effect of a decision of the Tax Court or a final judgment or decree of the district court or the Claims Court, as the case may be, and shall be reviewable as such. The date of any such determination shall be treated as being the date of the court's order entering the decision.

(Added Pub. L. 105-34, title XII, § 1222(a), Aug. 5, 1997, 111 Stat. 1016.)

PART III—DEFINITIONS AND SPECIAL  
RULES

Sec. 6255.	Definitions and special rules.
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**§ 6255. Definitions and special rules**

**(a) Definitions**

For purposes of this subchapter—

**(1) Electing large partnership**

The term “electing large partnership” has the meaning given to such term by section 775.

**(2) Partnership item**

The term “partnership item” has the meaning given to such term by section 6231(a)(3).

**(b) Partners bound by actions of partnership, etc.****(1) Designation of partner**

Each electing large partnership shall designate (in the manner prescribed by the Secretary) a partner (or other person) who shall have the sole authority to act on behalf of such partnership under this subchapter. In any case in which such a designation is not in effect, the Secretary may select any partner as the partner with such authority.

**(2) Binding effect**

An electing large partnership and all partners of such partnership shall be bound—

(A) by actions taken under this subchapter by the partnership, and

(B) by any decision in a proceeding brought under this subchapter.

**(c) Partnerships having principal place of business outside the United States**

For purposes of sections 6247 and 6252, a principal place of business located outside the United States shall be treated as located in the District of Columbia.

**(d) Treatment where partnership ceases to exist**

If a partnership ceases to exist before a partnership adjustment under this subchapter takes effect, such adjustment shall be taken into account by the former partners of such partnership under regulations prescribed by the Secretary.

**(e) Date decision becomes final**

For purposes of this subchapter, the principles of section 7481(a) shall be applied in determining the date on which a decision of a district court or the Claims Court becomes final.

**(f) Partnerships in cases under title 11 of the United States Code****(1) Suspension of period of limitations on making adjustment, assessment, or collection**

The running of any period of limitations provided in this subchapter on making a partnership adjustment (or provided by section 6501 or 6502 on the assessment or collection of any amount required to be paid under section 6242) shall, in a case under title 11 of the United States Code, be suspended during the period during which the Secretary is prohibited by reason of such case from making the adjustment (or assessment or collection) and—

(A) for adjustment or assessment, 60 days thereafter, and

(B) for collection, 6 months thereafter.

A rule similar to the rule of section 6213(f)(2) shall apply for purposes of section 6246.

**(2) Suspension of period of limitation for filing for judicial review**

The running of the period specified in section 6247(a) or 6252(b) shall, in a case under title 11 of the United States Code, be suspended during the period during which the partnership is prohibited by reason of such case from filing a petition under section 6247 or 6252 and for 60 days thereafter.

**(g) Regulations**

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this subchapter, including regulations—

(1) to prevent abuse through manipulation of the provisions of this subchapter, and

(2) providing that this subchapter shall not apply to any case described in section 6231(c)(1) (or the regulations prescribed thereunder) where the application of this subchapter to such a case would interfere with the effective and efficient enforcement of this title.

In any case to which this subchapter does not apply by reason of paragraph (2), rules similar to the rules of sections 6229(f) and 6255(f) shall apply.

(Added Pub. L. 105-34, title XII, §1222(a), Aug. 5, 1997, 111 Stat. 1017.)

**CHAPTER 64—COLLECTION**

Subchapter	Sec. <sup>1</sup>
A. General provisions .....	6301
B. Receipt of payment .....	6311
C. Lien for taxes .....	6321
D. Seizure of property for collection of taxes .....	6331
[E. Repealed.]	

**AMENDMENTS**

1990—Pub. L. 101-508, title XI, §11801(b)(14), Nov. 5, 1990, 104 Stat. 1388-522, struck out item for subchapter E “Collection of State individual income taxes”.

1972—Pub. L. 92-512, title II, §202(b), Oct. 20, 1972, 86 Stat. 944, added item for subchapter E.

**Subchapter A—General Provisions**

Sec.	
6301.	Collection authority
6302.	Mode or time of collection.
6303.	Notice and demand for tax.
6304.	Fair tax collection practices.
6305.	Collection of certain liability.
6306.	Qualified tax collection contracts.

**AMENDMENTS**

2004—Pub. L. 108-357, title VIII, §881(a)(2)(B), Oct. 22, 2004, 118 Stat. 1626, added item 6306.

1998—Pub. L. 105-206, title III, §3466(b), July 22, 1998, 112 Stat. 769, added item 6304.

1976—Pub. L. 94-455, title XIX, §1906(b)(5), Oct. 4, 1976, 90 Stat. 1833, struck out item “6304. Collection under the Tariff Act”.

1975—Pub. L. 93-647, §101(b)(2), Jan. 4, 1975, 88 Stat. 2358, added item 6305.

**§ 6301. Collection authority**

The Secretary shall collect the taxes imposed by the internal revenue laws.

(Aug. 16, 1954, ch. 736, 68A Stat. 775; Pub. L. 94-455, title XIX, §1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834.)

**AMENDMENTS**

1976—Pub. L. 94-455 struck out “or his delegate” after “Secretary”.

**APPROVAL PROCESS FOR LIENS, LEVIES, AND SEIZURES**

Pub. L. 105-206, title III, §3421, July 22, 1998, 112 Stat. 758, provided that:

“(a) IN GENERAL.—The Commissioner of Internal Revenue shall develop and implement procedures under which—

“(1) a determination by an employee to file a notice of lien or levy with respect to, or to levy or seize, any

<sup>1</sup> Section numbers editorially supplied.