

if the partnership, each partner, and each indirect partner requests such application and the Secretary of the Treasury or his delegate consents to such application, see section 407(a)(1), (3) of Pub. L. 97-248, set out as an Effective Date note under section 6221 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-589 effective Oct. 1, 1979, but not applicable to proceedings under Title 11, Bankruptcy, commenced before Oct. 1, 1979, see section 7(e) of Pub. L. 96-589, set out as a note under section 108 of this title.

### Subchapter C—Tax Treatment of Partnership Items

Sec.	
6221.	Tax treatment determined at partnership level.
6222.	Partner's return must be consistent with partnership return or Secretary notified of inconsistency.
6223.	Notice to partners of proceedings.
6224.	Participation in administrative proceedings; waivers; agreements.
6225.	Assessments made only after partnership level proceedings are completed.
6226.	Judicial review of final partnership administrative adjustments.
6227.	Administrative adjustment requests.
6228.	Judicial review where administrative adjustment request is not allowed in full.
6229.	Period of limitations for making assessments.
6230.	Additional administrative provisions.
6231.	Definitions and special rules.
[6232.]	Repealed.]
6233.	Extension to entities filing partnership returns, etc.
6234.	Declaratory judgment relating to treatment of items other than partnership items with respect to an oversheltered return.

#### AMENDMENTS

1997—Pub. L. 105-34, title XII, §1231(c), Aug. 5, 1997, 111 Stat. 1023, added item 6234.

1988—Pub. L. 100-418, title I, §1941(b)(3)(D), Aug. 23, 1988, 102 Stat. 1324, struck out item 6232 "Extension of subchapter to windfall profit tax".

1984—Pub. L. 98-369, div. A, title VII, §714(p)(2)(E), July 18, 1984, 98 Stat. 965, added item 6233.

1982—Pub. L. 97-248, title IV, §402(a), Sept. 3, 1982, 96 Stat. 648, added subchapter C heading and items 6221 to 6232.

### § 6221. Tax treatment determined at partnership level

Except as otherwise provided in this subchapter, the tax treatment of any partnership item (and the applicability of any penalty, addition to tax, or additional amount which relates to an adjustment to a partnership item) shall be determined at the partnership level.

(Added Pub. L. 97-248, title IV, §402(a), Sept. 3, 1982, 96 Stat. 648; amended Pub. L. 105-34, title XII, §1238(a), Aug. 5, 1997, 111 Stat. 1026.)

#### AMENDMENTS

1997—Pub. L. 105-34 inserted "(and the applicability of any penalty, addition to tax, or additional amount which relates to an adjustment to a partnership item)" after "item".

#### EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-34, title XII, §1238(c), Aug. 5, 1997, 111 Stat. 1027, provided that: "The amendments made by this section [amending this section and sections 6226 and 6230 of this title] shall apply to partnership taxable

years ending after the date of the enactment of this Act [Aug. 5, 1997]."

#### EFFECTIVE DATE

Pub. L. 97-248, title IV, §407(a), Sept. 3, 1982, 96 Stat. 670, as amended by Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, provided that:

"(1) Except as provided in paragraph (2), the amendments made by sections 402, 403, and 404 [enacting this subchapter and section 1508 of Title 28, Judiciary and Judicial Procedure, amending sections 702, 6031, 6213, 6216, 6422, 6501, 6504, 6511, 6512, 6515, 7422, 7451, 7456, 7459, 7482, and 7485 of this title and section 1346 of Title 28, and enacting provisions set out as a note under section 6031 of this title] shall apply to partnership taxable years beginning after the date of the enactment of this Act [Sept. 3, 1982].

"(2) Section 6232 of the Internal Revenue Code of 1986 [formerly I.R.C. 1954] shall apply to periods after December 31, 1982.

"(3) The amendments made by sections 402, 403, and 404 shall apply to any partnership taxable year (or in the case of section 6232 of such Code, to any period) ending after the date of the enactment of this Act [Sept. 3, 1982] if the partnership, each partner, and each indirect partner requests such application and the Secretary of the Treasury or his delegate consents to such application."

#### SHORT TITLE

For short title of title IV of Pub. L. 97-248 as the "Tax Treatment of Partnership Items Act of 1982", see Short Title of 1982 Amendments note set out under section 1 of this title.

### § 6222. Partner's return must be consistent with partnership return or Secretary notified of inconsistency

#### (a) In general

A partner shall, on the partner's return, treat a partnership item in a manner which is consistent with the treatment of such partnership item on the partnership return.

#### (b) Notification of inconsistent treatment

##### (1) In general

In the case of any partnership item, if—

(A)(i) the partnership has filed a return but the partner's treatment on his return is (or may be) inconsistent with the treatment of the item on the partnership return, or

(ii) the partnership has not filed a return, and

(B) the partner files with the Secretary a statement identifying the inconsistency,

subsection (a) shall not apply to such item.

##### (2) Partner receiving incorrect information

A partner shall be treated as having complied with subparagraph (B) of paragraph (1) with respect to a partnership item if the partner—

(A) demonstrates to the satisfaction of the Secretary that the treatment of the partnership item on the partner's return is consistent with the treatment of the item on the schedule furnished to the partner by the partnership, and

(B) elects to have this paragraph apply with respect to that item.

#### (c) Effect of failure to notify

In any case—

(1) described in paragraph (1)(A)(i) of subsection (b), and