

# Notice of Proposed Rulemaking Disclosure of Return Information to the Bureau of the Census

**REG-121806-97**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** In T.D. 8811, on page 19, the IRS is issuing temporary regulations relating to additions to, and deletions from, the list of items of information disclosed to the Bureau of the Census for use in certain statistical programs. The text of those temporary regulations also serves as the text of these proposed regulations.

**DATES:** Written and electronic comments and requests for a public hearing must be received by February 24, 1999.

**ADDRESSES:** Send submissions to: CC:DOM:CORP:R (REG-121806-97), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG-121806-97), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at: [http://www.irs.ustreas.gov/prod/tax\\_regs/comments.html](http://www.irs.ustreas.gov/prod/tax_regs/comments.html).

**FOR FURTHER INFORMATION CONTACT:** Jamie Bernstein, (202) 622-4570 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

## *Background*

Under section 6103(j)(1) of the Internal Revenue Code, upon written request

from the Secretary of Commerce, the Secretary is to furnish to the Bureau of the Census ("Bureau") tax return information that is prescribed by Treasury regulations for the purpose of structuring censuses and national economic accounts and conducting related statistical activities. Section 301.6103(j)(1)-1 of the regulations provides an itemized description of the return information authorized to be disclosed for this purpose. Periodically, the disclosure regulations are amended to reflect the changing needs of the Bureau for data for its statutorily authorized statistical activities.

This document contains proposed amendments to the regulations authorizing Internal Revenue Service personnel to disclose additional items of return information that have been requested by the Secretary of Commerce, and to delete certain items of return information that are enumerated in the regulations but that the Secretary of Commerce has indicated are no longer needed.

The text of the temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the regulations.

*Special Analyses*

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

*Comments and Requests for a Public Hearing*

Before these proposed regulations are adopted as final regulations, consideration will be given to any electronic and written comments (a signed original and eight (8) copies) that are submitted timely

to the IRS. The IRS and Treasury Department specifically request comments on the clarity of the proposed regulation and how they can be made easier to understand. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

*Drafting Information*

The principal author of these regulations is Douglas Giblen, Office of the Associate Chief Counsel (International)(formerly of the Office of Assistant Chief Counsel (Disclosure Litigation)). However, other personnel from the IRS and Treasury Department participated in their development.

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*Proposed Amendments to the Regulations*

Accordingly, 26 CFR Part 301 is proposed to be amended as follows:

**PART 301—PROCEDURE AND ADMINISTRATION**

Paragraph 1. The authority citation for part 301 is amended by adding an entry in numerical order to read as follows:

Authority: 26 U.S.C. 7805 \* \* \*

Section 301.6103(j)(1)-1 also issued under 26 U.S.C. 6103(j)(1); \* \* \*

Par. 2. Section 301.6103(j)(1)-1 is amended by:

- 1. Revising paragraphs (b)(3) and (b)(6)(i)(A).
- 2. Adding paragraph (b)(6)(iii).

The revisions and addition read as follows:

*§301.6103(j)(1)-1 Disclosure of return information to officers and employees of the Department of Commerce for certain statistical purposes and related activities.*

\* \* \* \* \*

(b) \* \* \*

(3) [The text of this proposed paragraph (b)(3) is the same as the text of §301.6103(j)(1)-1 T (b)(3) published in T.D. 8811.]

\* \* \* \* \*

(6)(i) \* \* \*

(A) [The text of this proposed paragraph (b)(6)(i)(A) is the same as the text of §301.6103(j)(1)-T(b)(6)(i)(A) published in T.D. 8811.]

\* \* \* \* \*

(iii) [The text of this proposed paragraph (b)(6)(iii) is the same as the text of §301.6103(j)(1)-1T(b)(6)(iii) published in T.D. 8811.]

\* \* \* \* \*

Robert E. Wenzel,  
*Deputy Commissioner  
of the Internal Revenue.*

(Filed by the Office of the Federal Register on January 22, 1999, 8:45 a.m., and published in the issue of the Federal Register for January 25, 1999, 64 FR 3669)