

**DISCLOSURE REPORT FOR PUBLIC INSPECTION
PURSUANT TO INTERNAL REVENUE
CODE SECTION 6103(p)(3)(C) FOR CALENDAR YEAR 2022**

Prepared by the
INTERNAL REVENUE SERVICE

Published by the Staff
of the
JOINT COMMITTEE ON TAXATION



April 18, 2023
JCX-6-23

INTRODUCTION

Section 6103(p)(3)(C) of the Internal Revenue Code provides that the Secretary of the Treasury shall, within 90 days after the close of each calendar year, furnish to the Joint Committee on Taxation for disclosure to the public a report which provides, with respect to each Federal agency and certain other entities, the number of: (1) requests for disclosure of returns and return information (as such terms are defined in section 6103(b)); (2) instances in which returns and return information were disclosed pursuant to such requests or otherwise; and (3) taxpayers whose returns, or return information with respect to whom, were disclosed pursuant to such requests.¹ In addition, the report must describe the general purposes for which such requests were made.

Pursuant to section 6103(p)(3)(C), the Internal Revenue Service prepared a disclosure report for public inspection covering calendar year 2022. This document sets forth the Internal Revenue Service's report.²

¹ Unless otherwise stated, all section references are to the Internal Revenue Code of 1986, as amended.

² This document may be cited as follows: Joint Committee on Taxation, *Disclosure Report for Public Inspection Pursuant to Internal Revenue Code Section 6103(p)(3)(C) for Calendar Year 2022* (JCX-6-23), April 18, 2023. This document can be found on the Joint Committee on Taxation website at www.jct.gov.

**Public Report on Disclosures
Pursuant to 26 USC Section 6103(p)(3)(C)**

**Internal Revenue Service
Annual Disclosure Report
Calendar Year 2022**

**Calendar Year 2022 Volume of Disclosures of Tax Returns and/or Return Information
Required to Be Accounted for Pursuant to 26 USC Section 6103(p)(3)(A)**

Disclosure To/For	IRC Section 6103 Subsection	Bulk Master File Data (See Note 1)	Other Disclosures (See Note 2)	Total Number of Disclosures (See Note 3)
Tax Checks	(c)	0	9,408	9,408
State Tax Agencies	(d)	19,208,907,283	504,814,126	19,713,721,409
Joint Committee on Taxation	(f)(4)	416,581,511	0	416,581,511
GAO, as Agent to Congressional Committees	(f)(4)	175,236,447	0	175,236,447
President and Head of Agencies	(g)	0	0	0
Department of Justice ⁴	(h)(3)(B)	0	0	0
US Attorneys ⁵	(i)(1)	0	28,501	28,501
US Attorneys	(i)(2)	0	14,640	14,640
Other Agencies	(i)(3)(A)	0	0	0
Other Agencies ⁶	(i)(3)(B)	0	*	*
Other Agencies	(i)(3)(C)	0	0	0
Other Agencies	(i)(7)(A)	0	0	0
Other Agencies	(i)(7)(B)	0	0	0
US Attorneys	(i)(7)(C)	0	0	0
Government Accountability Office	(i)(8)	0	155,207,086	155,207,086
Bureau of Census	(j)(1)(A)	1,601,947,836	0	1,601,947,836
Bureau of Economic Analysis	(j)(1)(B)	0	610	610
Treasury Office of Tax Analysis	(j)(3)	0	0	0
Treasury Office of Economic Policy	(j)(3)	0	0	0
Department of Agriculture	(j)(5)	2,154,762	0	2,154,762
Congressional Budget Office	(j)(6)	0	5,235,453	5,235,453
Foreign Countries Tax Treaty Authority ⁷	(k)(4)	4,478,793	5,773	4,484,566
Bureau of Prisons (Federal and State)	(k)(10)	0	0	0
Department of State	(k)(11)	0	190,023	190,023
Whistleblower Office	(k)(13)	0	4,756	4,756
Information Sharing and Assistance Center (ISAC)	(k)(14)	132,371,933	0	132,371,933
Social Security Administration	(k)(15)	1,587,875	0	1,587,875
Department of Labor Pension Benefit Guaranty Corporation	(l)(2)	0	487	487
Federal Agencies	(l)(3)	0	0	0
Department of Treasury Employees	(l)(4)(A)	0	0	0
Child Support Enforcement Agencies	(l)(6)	10,445,681	0	10,445,681
Department of Education	(l)(13)	0	0	0
Medicare Premium Subsidy Adjustment	(l)(20)	6,236,386	0	6,236,386
Affordable Care Act	(l)(21)	69,750,840	0	69,750,840
States - IRC Section 6104(c)		0	22,551	22,551
TOTALS		21,629,699,347	665,533,414	22,295,232,761

Reference Notes:

- (1) Bulk Master File Data: Disclosures are generated when an agency receives data from an IRS database extract of taxpayer information. Each extract contains different data elements of a taxpayer's account information based on the nature and purpose of the specific extract. These extract files may include specific tax return information or information returns, involving multiple year(s) or period(s), all of which must be accounted for separately. Please see footnote labeled "Disclosure Counts" for a more detailed information on what constitutes a disclosure.
- (2) Other Disclosures: Disclosures that are not bulk/extract disclosures also vary depending on what is included in the record. Disclosures are made when the IRS releases transcripts of accounts, permits inspection of or furnishes photocopies of records, makes oral disclosures, and any disclosure by means of correspondence without furnishing a copy of the record. Also included are disclosures from locally automated files. Examples include copies of examination or collection administrative files. When some or all of the contents of an administrative file are disclosed, the IRS counts the number of disclosures based on the number of taxpayers and tax years or periods contained within that file.
- (3) Disclosure Counts: The number of disclosures of tax information depends on the type of record disclosed and the provision of the Code it was disclosed under as defined under IRC Section 6103(p)(3)(A). A disclosure is making known to any person return ore return information. Generally, when the IRS discloses a taxpayer's record, or portion of the record, for one tax year or tax period, the IRS counts that as one disclosure. If the IRS discloses multiple return(s) or return information, including other informational return(s), for the same taxpayer, the IRS accounts for those disclosures based on the number of return(s), tax year(s), and/or tax period(s) that were disclosed.
- (4) Department of Justice: IRC section 6103(h)(2) provides the standards that must be met for authorized disclosures to officers and employees of the Department of Justice (including United States attorneys) personally and directly engaged in, and solely for their use in, and proceeding before a Federal grand jury or preparation for any proceeding (or investigation which may result in such a proceeding) before a Federal grand jury or any Federal or State court. Those disclosures made to the Department of Justice under the provisions of IRC section 6103(h)(3)(B), requiring a written request from the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, are reported in accordance with IRC section 6103(p)(3).

Internal Revenue Service
Disclosure Report (cont'd)

- (5) United States Attorneys: Disclosures pursuant to an Ex Parte Court Order under IRC Section 6103(i)(1) are generally made to the Department of Justice, U.S. Attorney's Office (USAO). In prior years, the majority of disclosures were to the USAO. When directed by the Ex Parte Court Order and in coordination with the USAO instructions, the IRS disclosed in a small number of cases, return information directly to the named law enforcement employees of the Drug Enforcement Agency (DEA), Federal Bureau of Investigation (FBI), and other agencies (Other). The small numbers of disclosures directly to those agencies are still coordinated with the USAO. Employees of these law enforcement agencies conduct the non-tax criminal investigations, assist the USAO in the Ex Parte application process and use the return information obtained to further those investigations. To simplify the report, the IRS combined all Ex Parte disclosures into one line item.
- (6) Other Agencies: Number not sufficiently large to disclose (and not included in the column total(s)).
- (7) Foreign Tax Treaty Disclosures:
The total number of disclosures are from both Bulk Master File Data and Other Sources:
- 4,478,793: Disclosures from Bulk Master File Data; relating to automatic exchanges of information by the United States to a competent authority of a foreign government with which the United States has an income tax convention or other bilateral agreement relating to exchange of information with the United States. These disclosures predominantly relate to two categories of information reported to the IRS. First, the information reported to the IRS annually by withholding agents on Form 1042-S (4,450,231) – disclosures for foreign person's U.S. source income subject to withholding). Second, annual country-by-country (CBC) information (28,562) required to be reported to the IRS by certain U.S. persons that are the ultimate parent entity of a U.S. multinational enterprise (MNE) group with annual revenue for the preceding reporting period of \$850,000,000 or more on Form 8975 (Country-by-Country Report) and its Schedule A (tax jurisdiction and constituent entity information).
 - 5,773: Disclosures from Other Sources: consisting of taxpayer-specific return or return information made to a competent authority of a foreign government with which the United States has an income tax convention or other bilateral agreement relating to the exchange of tax information with the United States.

Explanation of Internal Revenue Code Section 6103

IRC Section 6103 Subsection

Purpose of Disclosure

- | | |
|-----------|--|
| (c) | Disclosure of Return Information Concerning Presidential Appointees and Certain Other Federal Government Appointees (Tax Checks). All tax check disclosures were provided pursuant to IRC Section 6103(c) and were accompanied by a waiver signed by the taxpayer authorizing the Internal Revenue Service to provide the information. |
| (d) | Disclosure of returns and return information to State tax officials having responsibility for administering State tax law. |
| (f)(4) | Disclosure of returns and return information to Committees of Congress or their agents (including Government Accountability Office (GAO) and the Joint Committee on Taxation (JCT)). |
| (g) | Disclosure of returns and return information of any taxpayer by request of the President, or for return information of taxpayers considered for appointment to the executive or judicial branches by the President or head of any Federal agency. |
| (h)(3)(B) | Disclosure of returns and return information to the Department of Justice in a tax administrative matter for use in, or preparing for, any proceeding or investigation before a Federal Grand Jury, Federal or State court, pursuant to a written request by the Attorney General, Deputy or Assistant Attorney General. |
| (i)(1) | Disclosure of returns and return information to Federal officers or employees upon the grant of an ex parte order by a Federal district court judge or magistrate for use in Federal non-tax criminal investigations. |

Explanation of Internal Revenue Code Section 6103

IRC Section 6103 Subsection

Purpose of Disclosure

- | | |
|-----------|---|
| (i)(2) | Disclosure of return information, other than taxpayer return information, to Federal officers or employees for use in Federal non-tax criminal investigations, upon request by the head of the agency or Inspector General thereof (or designated officials of the Department of Justice). |
| (i)(3)(A) | Disclosure of return information, other than taxpayer return information, to apprise appropriate Federal officials of potential violations of Federal criminal law. |
| (i)(3)(B) | Disclosure of return information in situations involving the imminent threat of death or physical injury to any individual. Disclosure is made to Federal or State law enforcement. Also includes disclosure to Federal law enforcement in situations involving flight from Federal prosecution. |
| (i)(3)(C) | Disclosure of return information, other than taxpayer return information, to appropriate Federal law enforcement agencies in situations that may be related to a terrorist incident, threat, or activity. |
| (i)(7)(A) | Disclosure of return information, other than taxpayer return information, to officers and employees of any Federal law enforcement agency personally and directly engaged in the response to or investigation of any terrorist incident, threat, or activity. |
| (i)(7)(B) | Disclosure of return information, other than taxpayer return information, to Federal agencies engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning any terrorist incident, threat, or activity upon receipt of a valid written request by the Secretary. |

Explanation of Internal Revenue Code Section 6103

IRC Section 6103 Subsection

Purpose of Disclosure

- | | |
|-----------|--|
| (i)(7)(C) | Disclosure of return or return information to a Federal law enforcement or Federal intelligence agency engaged in any investigation, response to, or analysis of information concerning a terrorist incident, threat, or activity upon grant of an ex parte court order by a Federal district court judge or magistrate. |
| (i)(8) | Return and return information is open to inspection by the Government Accountability Office for purposes of auditing, among others, the Internal Revenue Service. |
| (j)(1)(A) | Disclosure of returns, or return information reflected thereon, to the Bureau of Census in activities allowed by law. |
| (j)(1)(B) | Disclosure of return information reflected on returns of corporations to the Department of Commerce for statistical use by the Bureau of Economic Analysis in activities allowed by law. |
| (j)(3) | Disclosure of returns and return information to the Department of the Treasury Office of Tax Analysis for use in preparing economic or financial forecasts, projections, analyses, and statistical studies.

Disclosure of Social Security data extracts of individual Social Security earnings and benefits to the Department of Treasury Office of Economic Policy for use in preparing economic or financial forecasts, projections, analyses, and statistical studies. |
| (j)(5) | Disclosure of returns, or return information reflected thereon, to the Department of Agriculture for structuring, preparing, and conducting the Census of Agriculture as allowed by law. |
| (j)(6) | Disclosure of return information to the Congressional Budget Office for long-term modeling of the Social Security and Medicare programs. |

Explanation of Internal Revenue Code Section 6103

IRC Section 6103 Subsection

Purpose of Disclosure

- | | |
|---------|---|
| (k)(4) | Disclosure of returns or return information to the competent authority of a foreign government that has a tax convention or bilateral information exchange agreement with the United States. |
| (k)(10) | Disclosure of returns or return information to the Federal Bureau of Prisons or any State agency charged with administration of State prisons to the extent the IRS determines an incarcerated individual filed or facilitated in filing a false return. |
| (k)(11) | Disclosure of return information to Department of State for purposes of passport denial, revocation, limitation, and reversal under section 7345 due to seriously delinquent tax debt. |
| (k)(13) | Disclosure of return information to a whistleblower on the status and stage of any investigation or action related to a claim, subject to IRS procedures and conditions. |
| (k)(14) | Disclosure of return information to participants in the information sharing and analysis center for purposes of cybersecurity and the prevention of identity theft tax refund fraud, subject to IRS procedures and conditions. |
| (k)(15) | Disclosure of taxpayer identity and date of birth to officers, employees, and contractors of the Social Security Administration to determine eligibility for collection pursuant to such a qualified tax collection contract pursuant to section 6306(d)(3)(E). |
| (l)(2) | Disclosure of returns and return information to the Department of Labor and Pension Benefit Guaranty Corporation for administration of Titles I and IV of the Employee Retirement Income Security Act of 1974. |
| (l)(3) | Disclosure of tax delinquent account indicator to Federal agencies to determine the credit worthiness of a Federal loan applicant. |

Explanation of Internal Revenue Code Section 6103

<u>IRC Section 6103 Subsection</u>	<u>Purpose of Disclosure</u>
(l)(4)(A)	Disclosure of returns and return information for use in personnel or claimant representative matters by employees of the Department of the Treasury or practitioners who are the subject of such matters, or their representatives.
(l)(6)	Disclosure of return information to Federal, State, and local child support enforcement agencies for use in establishing and collecting child support obligations from and locating individuals owing such obligations.
(l)(13)	Disclosure of return information to carry out the Higher Education Act of 1965
(l)(20)	Disclosure of return information to the Commissioner of Social Security for use in establishing the appropriate amount of any Medicare part B premium adjustment under section 1839 of the Social Security Act.
(l)(21)	Disclosure of return information to the Secretary of Health and Human Services for use in determining any premium tax credit, cost-sharing reduction, eligibility for participation in a State's Medicaid program, a State's children's health insurance, or a basic health program covered by the Patient Protection and Affordable Care Act.
IRC Section 6104(c)	Disclosure of certain information pertaining to charitable organizations to appropriate State officers.