MEMORANDUM FOR: DIRECTOR, FIELD EXAMINATION
SMALL BUSINESS/SELF-EMPLOYED DIVISION (SB/SE)

DIRECTOR, EXEMPT ORGANIZATIONS/GOVERNMENT
ENTITIES
TAX EXEMPT AND GOVERNMENT ENTITIES DIVISION (TE/GE)

ALL LARGE BUSINESS AND INTERNATIONAL (LB&I)
EMPLOYEES

FROM: Theodore D. Setzer /s/ Theodore D. Setzer
Assistant Deputy Commissioner, Compliance Integration, LB&I

SUBJECT: Interim Guidance on Modernized Process for Joint Committee
Review Cases

This memorandum issues guidance on a paperless process for examiners to submit files and process a case referral to LB&I’s Joint Committee Review (JCR) program until an update to IRM 4.36.3 is published. Please ensure that this information is distributed to all affected employees within your organization.

Purpose: The purpose of these changes in process is to utilize technology to electronically share case documents needed to prepare the Joint Committee (JC) report and eliminate transferring control of the case file. The changes also align SB/SE and TE/GE Joint Committee procedures with procedures applicable to LB&I examiners who are already required to electronically submit information to the Joint Committee Specialist (JCS) and retain case controls through the review process. The use of this new process will retain the examiners as a single point of contact with the taxpayer, which aligns with the IRS Taxpayer Experience Strategy.

Background/Source(s) of Authority: The Joint Committee on Taxation (JCT) is a nonpartisan committee of US Congress made up of ten members, five from the Senate and five from the House, which monitors IRS operation and administration of refunds exceeding the statutorily prescribed amount. IRC 6405 provides the JCT with oversight authority over refunds of income, estate, gift, and certain excise taxes in excess of $5 million for C-corporations and $2 million for all other taxpayers. While located in LB&I,
the JCR program services LB&I, SB/SE, and TE/GE with regards to the preparation of JC reports where a tentative allowance, refund, or credit from an agreed examination or survey-after-assignment is in excess of $5 million for C-corporations and $2 million for all other taxpayers.

**Procedural Change:** Updated procedures for referrals and JC cases are found on the attachment.

**Effect on Other Documents:** This guidance will be incorporated into the IRM listed by a date not to exceed two years from the date of this memorandum.

**Contact:** [*LB&I Joint Committee Assistance*](#)

Attachment (1)

Distribution:
[IRS.gov (http://www.IRS.gov)](http://www.IRS.gov)
Attachment – Interim Guidance on Modernized Process for Joint Committee Cases

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Introduction

1. See IRM 4.36.1.1.1 and following subsections for background information on the Joint Committee Review (JCR) program.
2. The JCR Knowledge Base Homepage can be accessed at Joint Committee Cases. Tools are available on the JCR Knowledge Base Homepage to help the examiner determine if the case meets JC criteria. These tools should be used before making referrals.
   
a. Decision Tree. This job aid is used by the examiner to determine if the case is subject to JCR procedures. This aid provides a series of questions about the case, with each question contingent on the previous answer to assist the examiner in this determination. There is also a SHOTs Video available to provide a visual on how to use the decision tree job aid.

b. JC Netting Spreadsheet. This Excel spreadsheet is used to assist the examiner in determining if the case meets the jurisdictional amount of $2 million ($5 million for C corporations) based on the several types of IRC § 6405 refunds and deficiencies.

c. JCR Field Procedural Training FINAL 2021. This PowerPoint presentation provides an overview of JC case requirements from identification to submission of the referral to JCR.

d. Examiner Steps to Complete in Report Generation Software (RGS). This guide provides examiners with RGS instructions when working with a TCS on a JC case.

e. Information and Documents for Examiner to Provide Tax Computation Specialist (TCS). This guide provides what documentation the examiner should send to the TCS prior to the SRS referral being submitted.

f. How to Submit SRS Request for Tax Computation Specialist.

g. LB&I Tax Computation Specialist (TCS) Steps. This guide discusses the responsibilities of the TCS in preparing the examination report and associated documents.

h. Instructions for Tax Computation Specialist (TCS) – How to Establish Case in IMS.

i. Should questions arise that cannot be answered by reviewing the JCR Knowledge Base Homepage, send them to *LB&I Joint Committee
A JCS is assigned to answer questions received in the mailbox.

Completion of Examination or Survey-After-Assignment Work

1. Examined Cases.
   b. At a minimum, statutory adjustments should contain a standard explanation. For business divisions using Report Generation Software (RGS), the system automatically includes this. See IRM 4.10.8.2.2(7), Preparation of Audit Reports, and IRM 4.10.15.7.9.3, Lead Sheets.

SB/SE: All adjustments must have lead sheets. See IRM 4.10.9.6.2.2, Issue Lead Sheet Content, and IRM 4.10.8.12.4, Explanation of Items. All examination work must be completed prior to submission of the referral to the Tax Computation Specialist (TCS) to prevent any unnecessary delays in the processing of the case.

TE/GE: All adjustments must have a Form 886-A for Joint Committee Cases. Exempt Organizations see IRM 4.75.15.7, Change Cases - Proposing Adjustments, and IRM 4.75.37, Exempt Organizations Examination Procedures - Claims, Requests for Abatement and Examination Reconsiderations; Employee Plans see IRM 4.71.8, Employee Plans Examination of Returns - EP Claims, and IRM 4.10.8.12.4, Explanation of Items.

LB&I: All adjustments must have a Form 886-A for Joint Committee Cases. See IRM 4.46.6.10, Explanation of Items: Form 886-A.

2. Surveyed Cases. All survey-after-assignment documents and the computational examination report must be prepared. Form 1900, Income Tax Survey, must be signed and dated. See IRM 4.36.3.4.2, Survey Forms.

3. The examiner will reconcile all account activity to determine if all filed tax returns have been received from the taxpayer (original and amended). See IRM 4.36.3.6.6, Transcripts of Accounts.

Submitting a Referral for Tax Computation Specialist (TCS) and Preparation of Examination Report

EXCEPTION: SB/SE Specialty Examiners (Excise, Estate & Gift) and TE/GE examiners will do their own tax computations on JC cases and not use an LB&I TCS.
1. The TCS will assist the examiner in preparing reports for cases that appear to meet JC criteria.
SB/SE Examiners use Table 1, Report Preparation Responsibility, below to determine when a TCS or examiner prepares the examination reports:

Table 1, Report Preparation Responsibility for SB/SE Examiners

<table>
<thead>
<tr>
<th>Disposition of Case</th>
<th>Does case still meet JC criteria?</th>
<th>Who prepares report(s) for Tentative Refund Cases? *Two 4549-As are required – Taxpayer and Centralized Case Processing (CCP)</th>
<th>Who prepares report(s) for Claim Cases?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey After Assignment</td>
<td>Yes</td>
<td>TCS prepares computational Form 4549-A and JC Spreadsheet.</td>
<td>TCS prepares computational Form 4549-A, JC Spreadsheet, and Form 2285, if applicable.</td>
</tr>
<tr>
<td>Survey After Assignment</td>
<td>No</td>
<td>Examiner should follow normal processing procedures</td>
<td>Examiner prepares appropriate reports, if applicable.</td>
</tr>
<tr>
<td>Agreed</td>
<td>Yes</td>
<td>*TCS prepares Forms 870 and 4549-A, JC Spreadsheet, and Form 2285, if applicable. Examiner prepares Form 4549-A for CCP.</td>
<td>TCS prepares Forms 870 and 4549-A, JC Spreadsheet, and Form 2285, if applicable. Examiner prepares Form 3363, if applicable.</td>
</tr>
<tr>
<td>Agreed</td>
<td>No</td>
<td>*Examiner should follow normal processing procedures</td>
<td>Examiner prepares appropriate reports, if applicable.</td>
</tr>
<tr>
<td>Partial Agreed (See IRM 4.36.3.7.1.1, Documentation Requirements on Minimum Refund Cases)</td>
<td>Yes</td>
<td>*TCS prepares Forms 870 and 4549-A, JC Spreadsheet, and Form 2285. Examiner prepares Form 4549-A for CCP.</td>
<td>TCS prepares Forms 870 and 4549-A, JC Spreadsheet, Form 2285. Examiner prepares Form 3363, if applicable.</td>
</tr>
<tr>
<td>Partial Agreed</td>
<td>No</td>
<td>*Examiner should follow normal processing procedures</td>
<td>Examiner prepares appropriate reports, if applicable.</td>
</tr>
</tbody>
</table>
### Disposition of Case

<table>
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<tr>
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<th>Who prepares report(s) for Tentative Refund Cases? *Two 4549-As are required – Taxpayer and Centralized Case Processing (CCP)</th>
<th>Who prepares report(s) for Claim Cases?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unagreed</td>
<td>Yes</td>
<td>Unless already prepared by the TCS, Examiner prepares Form 870 and the Taxpayer Form 4549-A.</td>
<td>Examiner prepares Forms 870 and 4549-A and 3363, if applicable.</td>
</tr>
<tr>
<td>Unagreed</td>
<td>No</td>
<td>*Examiner should follow normal processing procedures.</td>
<td>Examiner prepares appropriate reports, if applicable.</td>
</tr>
</tbody>
</table>

2. For business divisions using RGS, prior to submitting the TCS referral, the examiner will create the JC case in RGS and input the return data into return setup. See [Examiner Steps to Complete in Report Generation Software (RGS)](https://www.irs.gov/). For LB&I, see [IRM 4.46.6.7](https://www.irs.gov/) for TCS referrals.

3. The examiner will ensure completion of the information listed in [Information and Documents for Examiner to Provide to Tax Computation Specialist (TCS)](https://www.irs.gov/).

4. Input a request for a TCS via the Specialist Referral System (SRS) using the steps outlined in [How to Submit SRS Request for Tax Computation Specialist (TCS)](https://www.irs.gov/) within 30 days of gathering the list of required documents.

**NOTE:** For business divisions using RGS, prior to submitting a TCS referral, please ensure all examination adjustments have been input into RGS. After submitting the referral, the examiner should allow 30 days for a response.

5. The LB&I TCS will use the steps in [LB&I Tax Computation Specialist (TCS) Steps](https://www.irs.gov/) to prepare the following items:


   b. [Form 870](https://www.irs.gov/), Waiver of Restrictions on Assessment and Collection of Deficiency in Tax and Acceptance of Overassessment.

   c. [Joint Committee Spreadsheets](https://www.irs.gov/). There are three different JC spreadsheets. Two are discussed below.
i. JC Spreadsheet Individuals includes four tabs:
   (i) Regular Tax
   (ii) AMT Tax
   (iii) NOLD Worksheet
   (iv) AMT NOLD Worksheet

**NOTE:** In the event an examiner is assigned a C Corporation JC case, please be aware a different JC Spreadsheet should be used.

ii. JC Spreadsheet Corporations includes three tabs:
   (i) Regular Tax
   (ii) AMT
   (iii) Credit Worksheet

**NOTE:** JC Spreadsheet is not utilized in Estates and Trusts (Form 1041) and Estates (Form 706) returns.

d. **Form 2285.** Concurrent Determinations of Deficiencies (Increases in Tax) and Overassessments (Decreases in Tax) in Cases Involving Restricted Interest Provisions of the Internal Revenue Code, if applicable.

**NOTE:** Form 2285 is used by the Field Office Resource Team (FORT) to compute Interest. Form 2285 is required when any tax period in an examination report meets at least one of the following three criteria:

   i. Both general adjustments (current year adjustments) and restricted adjustments (carrybacks),
   ii. Carryback adjustments from more than one tax period, or
   iii. More than one restricted interest computation date.

**Submitting a Referral to Joint Committee Review (JCR)**

1. The examiner should make every effort to obtain consent to extend the statute of limitations so that at least 12 months remain on all years in the referred case, including any related returns, at the time the referral is submitted to JCR. See **IRM 4.36.3.5**, Statute of Limitations. If the taxpayer will not extend the statute, and there is less than 12 months remaining on the statute, contact *LB&I Joint Committee Assistance* to discuss the referral.

2. Ensure Project Code 0077 (Joint Committee Case) has been updated on AIMS/ERCS or RCCMS. See **IRM 4.36.3.2.1**, Case Identification.

3. At the time the examiner is ready to submit the referral, update ERCS or RCCMS to reflect Aging Reason Code (ARC) 027.
TE/GE NOTE: If the update is unsuccessful, see IRM 4.5.1.6.9.1, Form 5595, TE/GE Update, to make the correction.

4. The examination group will retain AIMS/ERCS or RCCMS control of the case in status 10 or 12.

   **NOTE:** The examiner will retain all physical and electronic case files. No case files will be sent to Joint Committee Review.

5. The examiner will access the JCR SharePoint Referral Portal to submit a referral requesting JC review upon completion of the examination and the required work to be done by the TCS. The examiner will prepare and submit the referral through the “Create Referral” link on the JCR SharePoint Referral Portal: [JCR SharePoint Referral Portal](#).

6. Instructions on the use of the JCR SharePoint Referral Portal are covered in the following documents:


   b. [JCR SharePoint Referral Portal Training PowerPoint 11/17/2021](#).

   c. SHOTs videos, which can be found on the Electronic Referral Reviews page, provide a visual for how to “Create a Referral” and a "JCR Referral System Overview”.

7. Once the referral is successfully submitted in the JCR SharePoint Referral Portal, the examiner and manager will receive an automated notification email stating the referral has been successfully submitted for review.

8. The JC Admin will review the referral to confirm all information is correct and updated properly in AIMS/ERCS or RCCMS.

9. If the referral information is correct, the examiner and manager will receive an automated notification email stating the referral has been assigned with the name of the JCS.

10. If the referral information requires correction, the referral will be returned to the examiner through the JCR SharePoint Referral Portal for correction(s).

   a. The examiner and manager will receive an automated notification email stating the referral is being returned with a list of necessary correction(s).
b. Once corrections are completed, the examiner will access the JCR SharePoint Referral Portal through the “My Referral” link to correct and resubmit the referral.

**NOTE:** At the time the corrected referral is ready to be resubmitted to JCR, the examiner should ensure the case has Project Code 0077, Aging Reason Code 027, and 12 months remaining on the assessment statutes for all case years.

c. Once the corrections are reviewed and the referral has cleared JC Admin review, the referral will be assigned to a JCS via the JCR SharePoint Referral Portal.

d. The examiner and manager will receive an automated notification email stating the referral has been assigned with the name of the assigned JCS.

**Submission of Documents to Joint Committee Specialist (JCS)**

1. After the JC referral is assigned, the examiner will receive an email (with a copy to the manager and the JCR manager) requesting electronic referral review documents. The JCS and examiner will determine the best and most efficient electronic method to provide the documents within 10 business days. **ALL documents listed in steps 3 and/or 4 below must be completed prior to submission of the referral to JCR to prevent any unnecessary delays in the processing of your case.**

   **NOTE:** Examiner will adhere to any file size limitations that may exist during transmission of the files to the JCS.

2. If no response is received from the examiner after 10 business days, the JCS will contact the examiner and discuss any questions about the requested information.

   a. If the examiner has responded and is working with the JCS, then the parties will continue to work together to gather the data.

   b. If the examiner does not respond to the follow up request within 5 business days, the JCS will issue a Notice of Suspended Referral (NSR). See NSR section.

3. The following documents are required for Examined cases:

   a. Joint Committee Spreadsheet prepared by the TCS. (Except for SB/SE Estate & Gift and TE/GE Referrals).
b. Examination Report, which includes Form 4549-A, lead sheets, and calculation output worksheets - verify the accuracy of all tax computations such as Regular Tax, AMT, Net Operating Losses, AMT Net Operating Losses.

**NOTE:** The examiner MUST review, sign, and date page 2 of Form 4549-A, Report of Income Tax Examination Changes. See IRM Exhibit 4.10.8-1, Preparation of Form 4549 / Form 4549-A and IRM 4.36.3.6.1, Revenue Agent’s Report (RAR) Requirements. For LB&I, see also IRM 4.46.6.5, Report Standards. An electronic or digital signature is acceptable. For digitally signed forms issued to the taxpayer and/or representative, follow the procedures in IRM 4.10.1.4.4, Digital Signatures. TEGE Examiners see IRM 4.75.37, Exempt Organizations Examination Procedures - Claims, Requests for Abatement and Examination Reconsiderations and IRM 4.71.8, Employee Plans Examination of Returns - EP Claims.

c. Lead sheets, Forms 886-A or Forms 5701 that reconcile to the adjustments on Form 4549-A.

d. Form 870 signed and dated by the taxpayer(s) or Power of Attorney (POA). See IRM Exhibit 4.10.8-2, Preparation of Form 870.

**NOTE:** A fully executed Form 870 is required for all examined Joint Committee cases including allowed claims for refund.

e. Form 4665, Report Transmittal, (Proforma Form 4665), signed and dated by examiner and manager. The form must include the following information:
   i. Economic reason for loss/reason for the refund.
   ii. A description of the taxpayer’s principal business activity.
   iii. Discussion of prior audit reports (if not previously released by the JCT).
   iv. Examiner name, address, and phone number.
   v. Group manager name, address, and phone number.
   vi. TCS name, address, and phone number.
   vii. Taxpayer’s contact name, address, and phone number.
   viii. Power of Attorney contact information.

f. Form 5231, Joint Committee Case Checklist, signed and dated by examiner and group manager. See IRM 4.36.3.6.1, Revenue Agent’s Report (RAR) Requirements.

g. Form 2848, Power of Attorney or Declaration of Representative (POA) – or IRS CFINK, if applicable.
h. Transcript analysis – all account activity (IMFOLT/BMFO\_LT) must be reconciled to the returns and included in the examination report and JC spreadsheet.

i. **Form 3363**, Acceptance of Proposed Disallowance of Claim for Refund or Credit, should be signed by taxpayer, if applicable.

j. **Form 2285**, Concurrent Determinations of Deficiencies (Increases in Tax) and Overassessments (Decreases in Tax) in Cases Involving Restricted Interest Provisions of the Internal Revenue Code, prepared by TCS, if applicable.

k. **Form 906**, Closing Agreement on Final Determination Covering Specific Matters, if applicable.

**NOTE**: Form(s) 906 applicable to current year tax returns should not be executed by IRS prior to JCT review. See [IRM 4.36.4.7](#), Closing Agreements.

l. Advance Pricing Agreements (APAs), if applicable. See [IRM 4.36.3.6.2.2](#), Advance Pricing Agreements (APAs).

m. **Form 3115**, Application for Change in Accounting Method, only required for Non-Automatic change with consent letter, if applicable.

n. Complete copies of Forms 1139/1045.

o. Complete copies of Forms 1120X/1040X.

p. Complete copies of tax returns (if not on Employee User Portal (EUP)).

q. Prior Examination Reports, if applicable, for the tax years in the JCR submission (including lead sheets or Forms 886-A) and Appeals Reports (if not previously released by the JCT).

r. If the adjustments are related to losses from a pass-through entity, please provide the following:
   i. Complete copy of the pass-through entity tax return (Forms 1065, 1120-S).
   ii. Comment that pass-through return was inspected or examined. (This should be commented on the Form 4665 in addition to the examiner’s workpapers).
   iii. Business activity of the pass-through entity.
   iv. Taxpayer’s ownership interest.
   v. Reason for the economic loss related to the losses from a pass-through entity.
vi. Comment that the taxpayer had basis, was at-risk, and materially participated in the pass-through loss entity. See IRM 4.36.3.2(2), Examination Procedures.

4. The following documents are required for **Survey-After-Assignment** cases:

   a. Joint Committee Spreadsheet prepared by the TCS. (Except for SB/SE Estate & Gift and TE/GE Referrals).

   b. Examination Report which includes Form 4549-A (examiner signature not required), lead sheets, and calculation output worksheets for computational purposes only - verify the accuracy of all tax computations such as Regular Tax, AMT, Net Operating Losses, AMT Net Operating Losses.

   NOTE: If the tax calculations on the return are in error, then the return cannot be surveyed, and an examination report must be prepared and submitted to the taxpayer for signature on Form 870.

   c. Form 1900, Income Tax Survey, ([Proforma Form 1900](#)), signed and dated by examiner and group manager. See IRM 4.10.2.5.3, Surveying Claims, for instructions on preparing Form 1900.

   d. Form 4665, Report Transmittal, ([Proforma Form 4665](#)), signed and dated by examiner and group manager. Include the following information:
      i. Economic reason for loss/reason for the refund. If the loss is from a flow through entity, what caused the loss in the entity.
      ii. A description of the taxpayer’s principal business activity.
      iii. Discussion of prior audit reports (if not previously released by the JCT).
      iv. Examiner name, address, and phone number.
      v. Group manager name, address, and phone number.
      vi. TCS name, address, and phone number.
      vii. Taxpayer contact name, address, and phone number.
      viii. Power of Attorney contact information.

   e. Form 5231, Joint Committee Case Checklist, signed and dated by examiner and group manager. See IRM 4.36.3.4.3, Procedural Requirements – Survey Cases.

   f. Form 2848, Power of Attorney or Declaration of Representative (POA) – or IRS CFINK, if applicable.

   g. Transcript analysis – all account activity (IMFOLT/BMFOLT) must be reconciled to the returns and included in the examination report and JC spreadsheet.
h. **Form 2285**, Concurrent Determinations of Deficiencies (Increases in Tax) and Overassessments (Decreases in Tax) in Cases Involving Restricted Interest Provisions of the Internal Revenue Code, prepared by TCS, if applicable.

i. **Form 3115**, Application for Change in Accounting Method, only required for Non-Automatic change with consent letter, if applicable.

j. Complete copies of Forms 1139/1045.

k. Complete copies of Forms 1120X/1040X.

l. Complete copies of tax returns (if not on EUP).

m. Prior Examination Reports, if applicable, for the tax years in the JCR submission (including lead sheets or Forms 886-A) and Appeals Reports (if not previously released by the JCT).

n. If the adjustments are related to losses from a pass-through entity, please provide the following:
   i. Complete copy of the pass-through entity tax return (Forms 1065, 1120-S).
   ii. Comment that pass-through return was inspected or examined. (This should be commented on the Form 4665 in addition to the examiner’s workpapers).
   iii. Business activity of the pass-through entity.
   iv. Taxpayer's ownership interest.
   v. Reason for the economic loss related to the losses from a pass-through entity.
   vi. Comment that the taxpayer had basis, was at-risk, and materially participated in the pass-through loss entity. See **IRM 4.36.3.2(2)**, Examination Procedures.

5. As the review progresses and it is determined additional documents or further clarification is needed, the JCS will request the information by emailing the examiner, with a copy to the group manager.

**Notice of Suspended Referral (NSR)**

1. As noted above, the JCS will email the examiner and the examiner's manager for additional documents or further clarification needed to prepare the report. The JCS will then contact the examiner to discuss how long the examiner needs to provide the required information.
2. If more than 10 business days are needed to provide the requested information, the JCS will discuss with the examiner the need to suspend the referral until the information is available.

3. If the JCS is unsuccessful after 10 days in obtaining the needed information from the examiner, the JCS will issue an NSR.
   
   a. The JCS will email a copy of the NSR Form and the related Form 886-A, which explains the additional information needed, to the examiner and manager.
   
   b. The JCS will update the JCR SharePoint Referral Portal referral status to suspend the referral.
   
   c. The examiner and manager will receive an automated notification email stating the NSR has been issued and to remove ARC 027.

4. The examiner must provide a status update on the NSR every 30 days to the JCS until resolved. See IRM 4.36.4.2(7), Notice of Suspended Referral (NSR).

5. When the case is ready to be returned to JCR, the examiner will access the JCR SharePoint Referral Portal through the “My Referral” link to update and resubmit the referral.
   
   a. The examiner will attach the NSR Form, signed and dated by the examiner and manager, to the JC Referral.
   
   b. Once the referral is resubmitted, the examiner and manager will receive an automated notification email stating the referral has been successfully submitted for review in the JCR SharePoint Referral Portal. The notification will request the examiner to ensure ERCS or RCCMS is updated to ARC 027.

6. JCR SharePoint Referral Portal referral status will go back to the JC Admin for review and the JCR manager will reassign the referral to the original JCS, if available.
   
   a. The examiner and manager will receive an automated notification email stating the referral has been assigned to the original JCS or reassigned to a new JCS (depending on JCS staffing/workload).
b. The examiner will transmit the requested information in response to the Form 886-A to the JCS using the most efficient electronic method.

Submission of Report to Joint Committee on Taxation (JCT)

1. The JCS will prepare Letter 1573 (P) and Letter 937, if all years are included on Form(s) 2848, and email the letter(s) to the examiner and manager informing them the report has been sent to the JCT.

Example email:

RE: XYZ, Inc. & Subsidiaries

The JC report for the above taxpayer has been sent to the Joint Committee on Taxation (JCT) in Washington. Attached please find the following:

(1) Letter 1573 (P) for you to sign and send to the taxpayer informing them of this action
(2) Letter 937 for you to sign and send to the POA along with a copy of Letter 1573 (P), if applicable.

I'll contact you again if there are any questions and/or when the release letter is received.

Just in case the taxpayer or POA asks, the receipt of the release letter could take between 30 and 45 days or more.

Please contact me if you have any questions. Thank you.

2. The examiner will sign and transmit Letter 1573 (P) and Letter 937 to transmit a copy to the POA, if applicable.

3. The JCS will update the JCR SharePoint Referral Portal referral status to note the date of submission to the JCT.

Joint Committee on Taxation (JCT) Inquiry

1. See IRM 4.36.4.4, Inquiries from Joint Committee on Taxation.

2. SRM response procedures are found in IRM 4.36.4.4.3, Formal Inquiries from the JCT – Staff Review Memorandum (SRM).

3. IMPORTANT: Any informal or formal correspondence with the JCT is not considered agency records subject to FOIA and should not be released to the taxpayer without written permission from the JCT. See IRM 4.36.4.5, Disclosure of Correspondence with the Joint Committee on Taxation. JCS
should expressly state to the examiner and the manager they cannot send any portions of the JCT correspondence or the JCT questions to the taxpayer.

Joint Committee on Taxation (JCT) Release Letter

1. The JCS will update the JCR SharePoint Referral Portal referral status to JCT release letter received and note the date of the release letter.

2. The examiner and manager will receive an automated notification email stating the release letter has been received from the JCT.

3. The JCS will prepare Letter 1574 (P) and Letter 937, if all years are included on Form(s) 2848, and email the letter(s) to the examiner and manager informing them the release letter has been received from the JCT.

Example email:

DISCLOSURE: Any informal or formal correspondence with the JCT is not considered agency records subject to FOIA and should not be released to the taxpayer without written permission from the JCT. See IRM 4.36.4.5, Disclosure of Correspondence with the Joint Committee on Taxation. The JCS should expressly state to the examiner and the manager they cannot send any portions of the JCT correspondence or the JCT questions to the taxpayer.
4. The examiner will sign and transmit Letter 1574 (P) and Letter 937, to transmit a copy to the POA, if applicable.

5. The examiner is required to include the following JC documents in the case closing file:
   a. JCT Release Letter or SRM.
   b. JC Report.
   c. JC Spreadsheets, if changes were made by the JCS.
   d. File copy of Letter 1573(P), signed by examiner.
   e. File copy of Letter 1574 (P), signed by examiner.

Joint Committee Review Referral Closure and Examiner Case Closing Instructions

1. When the JCS closes the referral in the JCR SharePoint Referral Portal, the examiner and manager will receive an automated notification email stating the referral has been closed, the case is being returned for the examiner to close the case, and to ensure ERCS or RCCMS is updated to remove ARC 027.

2. Use current processing procedures to forward the case to CCP or the Closing Unit. JCR is not responsible for closing the examiner’s JC case. See IRM Exhibit 4.36.3-4, CCP Case Closing Instructions for Examination Team. LB&I, see IRM 4.46.5.11, Closing a Case.

3. The following information may be considered helpful when completing Form 3198 or 3198-A:
   a. Include the following statement, Letter Instructions for CCP (or Closing Unit), in the Other Instructions section: “JC Case released, and Letter 1574 (P) issued to the taxpayer”.
   b. Check the restricted interest box on page 1, Special Features, if appropriate, and provide the year(s) to which restricted interest applies.