

## **IRM PROCEDURAL UPDATE**

**DATE: 11/18/2021**

**NUMBER: sbse-05-1121-1275**

**SUBJECT: Online Payment Agreement Programming Changes; Notices for Deferred Social Security Tax; PCA Payment Arrangements**

**AFFECTED IRM(s)/SUBSECTION(s): 5.19.1**

### **IRM 5.19.1.2.5, Balance Due Outgoing Correspondence Guidelines Updated Exception under paragraph (7) to temporarily extend suspension.**

(7) Occasionally a Service processing error results in an incorrect or unnecessary letter (Letter 2645C, Interim Letter). In such instances, acknowledge the error and include an appropriate apology as part of explanatory correspondence to taxpayer (such as Letter 0544C, Apology for IRS Error). Include a notation on AMS that you apologized for a service error on a particular date.

**Exception:** The requirement to send an apology letter when an interim letter is erroneously issued is temporarily rescinded. As a result, neither ACSS nor CSCO is required to address erroneously sent interim letters (such as Letter 2644C, Second Interim Response, or Letter 2645C, Interim Letter) when a taxpayer's account is closed during this period due to previous actions. A history should be input on AMS stating that the case was closed no action and that *no* apology letter was issued.

### **IRM 5.19.1.2.6.2.2, Short Term Payment Plans - Accounts Management, AM, Employees Deleted this subsection and renumbered subsequent subsections.**

### **IRM 5.19.1.2.6.3, Installment Agreements - Accounts Management, AM, Employees Deleted this subsection and renumbered subsequent subsections.**

### **IRM 5.19.1.3.3, Referrals and Redirect for AM Employees Deleted this subsection and renumbered subsequent subsections.**

**IRM 5.19.1.3.4, For All ACS Employees Revised Exception under paragraph (2) to spell out SCP acronym.**

(2) **Spanish-speaking Taxpayers:** When the taxpayer requests a Spanish-speaking employee, transfer the call as follows:

Account Type ...	UCCE Extension ...
IMF	1071
BMF	1076

**Exception:** Special Compliance Personnel (SCP) employees who receive Spanish speaking taxpayers calling about SCP accounts must offer the OPI service according to paragraph (4) instructions in IRM 5.19.1.3.5.1, Multilingual Services, and should **not** transfer calls to ACS Spanish IMF or ACS Spanish BMF applications.

**IRM 5.19.1.3.4.1, Multilingual Services Revised Exception under paragraph (3)(a) to spell out SCP acronym.**

(3) If interpretation is needed for limited English proficient (LEP) taxpayers, offer the taxpayer OPI Service.

- a. For Spanish speaking callers:

Account Type ...	UCCE Extension ...
IMF	1071
BMF	1076

**Exception:** Special Compliance Personnel (SCP) employees who receive Spanish speaking taxpayers calling about SCP accounts must offer the OPI service according to paragraph (4) instructions below and should **not** transfer calls to ACS Spanish IMF or ACS Spanish BMF applications.

- b. For all other LEP callers, offer OPI service. See paragraph (4) below.

**IRM 5.19.1.4.4.1, Full Compliance Check Deleted exception under paragraph (3) as it is no longer applicable.**

(3) Establish whether the taxpayer filed all returns as required in IRM 5.19.2.6.4.6, IMF - Determining Liability, and IRM 5.19.22.5.3, BMF Return Delinquency Responses and Inquiries, (or a module was closed or can be closed, with a satisfying transaction code). Individuals in business as sole proprietors must be in

compliance with both individual and business filing requirements, including the following guidelines:

- a. If TDI modules closed with a TC 598, you must satisfy these modules by securing a tax return or making a determination the taxpayer is not required to file
- b. If the taxpayer is required to file, request the returns and reverse the TDI modules with a TC 592 with no cc
- c. Determine liability to file; for IMF, see IRM 5.19.2.6.4.6, IMF - Determining Liability. For BMF, see IRM 5.19.22.5.3, BMF Return Delinquency Responses and Inquiries.

**Note:** See paragraphs (4)-(5) for procedures addressing current year returns.

**IRM 5.19.1.5.1.1, NMF Notice Responses Revised paragraph (1) to include NMF Non-Toll free number.**

(1) NMF responses are received from a taxpayer due to a notice issued by Accounting Operations.

**Note:** For calls regarding NMF notices received other than via 833-972-8965, the CSR may answer questions if they have the ability and expertise to do so; if not, ask the taxpayer to call 833-972-8965, at which a specialist is available to help. DO NOT REFER CALLS ON OTHER ISSUES TO THIS NUMBER. ALSO, THIS TOLL FREE NUMBER IS FOR CALLS FROM TAXPAYERS OR TAXPAYER REPRESENTATIVES ONLY; for additional information, see IRM 21.7.12.5.1, NMF Toll-Free and Non Toll-Free Number.

**IRM 5.19.1.5.21.6, Payment Arrangements Granted by Private Collection Agencies Added new paragraph (6) to provide referral instructions for PCA payment arrangements that have ended.**

(6) You may receive contact from a taxpayer where they state their Payment Arrangement established with the PCA Performant or Pioneer ended. The IRS contracts with Performant and Pioneer expired on September 22, 2021 and all Payment Arrangements with these two PCAs ended. If the taxpayer is requesting an IA, and their account was previously assigned to Performant or Pioneer, refer the case to the Andover Campus Collection for expedited processing. Refer these case by: Preparing and faxing a Form 4442, Inquiry Referral, to 855-277-9110 along with any other supporting documentation.

**Caution: Do not** refer an account that is currently assigned to another PCA.

**Note:** Andover Campus Collection employees working these inquiries can grant IAs with similar terms as the PA that ended without requiring a financial statement and no new NFTL determination is required. Employees can identify these cases by the presence of a TC 972 AC 054 (recalling the case from the PCA) along with a TC 971 AC 163 (reversing the PA) with either 03 or 04 in the Misc field representing the PCA ID.

**IRM 5.19.1.5.24, Taxpayer Contact Regarding Letter 3064C, Settlement Notice for Deferred Social Security Revised title of subsection to be more inclusive of various notices for deferred social security tax. Revised paragraphs (1) and (2) to include other notices for deferred social security tax. Converted guidance under paragraph (3) to an If... Then... table to add guidance for CP 56V and CP 256V. Added Note under paragraphs (8) and (10) table for taxpayers who disagree with the balance due.**

Taxpayer Contact Regarding Notices for Deferred Social Security Tax

(1) This subsection provides guidance for responding to taxpayer contacts regarding receipt of notices for deferred Social Security (SS) tax, which include Letter 3064C, Settlement Notice for Deferred Social Security Tax, and (IMF) CP 56V / (BMF) CP 256V, CARES Act SS Tax Deferral Reminder Notices.

**Caution:** If the deferred amount is paid in full by the due date and there is no other tax due on the module or assessed penalties, the module will be in ST 10/12.

(2) **Background:** In May 2021, IRS began mailing settlement notices via Letter 3064C to remind taxpayers with deferral amounts that although the deferral amounts are not yet due, they remain liable for any and all amounts that are properly deferred. The reminder explains the liabilities have been assessed and penalties and interest may result if the deferral amount is not paid by the required due dates. In October 2021, IRS began mailing CP 56V / CP 256V as the first courtesy reminder notice that taxpayers may have an amount due on December 31, 2021 if they have deferred the payment and deposit of certain social security taxes incurred from March 27, 2020 to December 31, 2020 under section 2302 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

(3) Refer to the following table to provide the taxpayer with an explanation regarding the notice they received.

If taxpayer received...	Then...
Letter 3064C, Settlement Notice for Deferred Social Security Tax	a. Explain to the taxpayer this is a reminder that they still remain liable for the deferred tax even though the amount(s) is not yet due. In October and November courtesy reminder notices may be issued; however, taxpayers are responsible for timely

If taxpayer received...	Then...
	<p>paying the deferred amounts when due regardless of this courtesy reminder.</p> <p>b. See paragraph (8) below if the taxpayer states they would like to pay the deferred amount early, or paragraph (10) if they explain they will not be able to full pay the amount(s) by the due date(s).</p>
<p>CP 56V or CP 256V, CARES Act SS Tax Deferral Reminder Notice</p>	<p>a. Explain to the taxpayer this is a reminder that Social Security taxes deferred under the CARES Act Section 2302 are due by December 31, 2021 and December 31, 2022.</p> <p><b>Note:</b> The amount due for December 31, 2021 will be one-half of the amount they were eligible to defer, with the remainder due December 31, 2022. The amount eligible to defer is generally any deposit of the employer share of social security taxes due during the period beginning on March 27, 2020 and ending December 31, 2020 and payments of the tax imposed on wages paid during that period for employers and Schedule H filers, and/or one-half of the social security taxes imposed on net earnings from self-employment income for the period beginning on March 27, 2020 and ending December 31, 2020 for self-employed individuals. Any payments or deposits made before December 31, 2021, are first applied against the payment due on December 31, 2021, and then applied against the payment due on December 31, 2022.</p> <p>b. See paragraph (8) below if the taxpayer states they would like to pay the deferred amount early, or paragraph (10) if they explain they will not be able to full pay the amount(s) by the due date(s).</p>

**(4) Deferral Due Dates:**

- Employee's portion of deferred Social Security (SS) tax: Under Notice 2020-65 and applicable modifications under Notice 2021-11, if an employer defers employee Social Security taxes (or Tier 1 Railroad Retirement taxes), the employer must withhold and pay the taxes that were deferred ratably from wages or compensation paid between January 1, 2021 and December 31, 2021.

**Note:** If the deferred tax is not full paid by December 31, 2021, the failure to pay penalty and applicable interest will begin to accrue on the unpaid amount on January 1, 2022. No FTD penalty will be charged on the employee's portion of deferred SS tax.

- *Employer's portion of deferred SS tax*: Under Notice 2020-22, Section 2302 of the CARES Act allows employers to defer the deposit of the employer's share of Social Security taxes and certain Railroad Retirement taxes that would otherwise be due on or after March 27, 2020 through December 31, 2020 and payment of the taxes imposed on wages paid during that period. One-half of the **eligible** deferred employer's share of Social Security tax is due by December 31, 2021, and the remainder is due by December 31, 2022.

**Note:** If any part of the employer's portion of SS tax is paid late, the FTD penalty will be charged on the **total** deferral amount, including amounts already paid after the return due date but before the December 31st installment due date(s). The failure to pay penalty and interest will begin to accrue on the unpaid amount on January 1st following the December 31st installment due date(s).

**Reminder:** If the deferred amount is paid in full by the due date and there is no other tax due on the module or assessed penalties, the module will be in ST 10/12.

**(5) How to Identify IMF and BMF Modules with Deferred Taxes:** The Service is administering deferred payments of Social Security taxes for 2020 by posting a "false credit" with a TC 766 Credit Reference Number (CRN) 280 for the combined amount of employee and employer deferred taxes. Any payment/credit applied towards the deferred tax will generate a reversal of the "false credit" with a TC 767 CRN 280 for the amount of the payment/credit.

**(6) How to Determine the Eligible (or maximum) Deferral Amount:** The eligible amount of employer's share of social security taxes that can be deferred for the tax period is the *smaller* of

- the employer's share of Social Security tax, or
- the total taxes after adjustments (e.g., Form 941 line 10, Form 943 line 11, etc.) minus any applicable tax credit for increasing research activities (from Form 8974, Qualified Small Business Payroll Tax Credit for Increasing Research Activities) minus total deposits, including overpayments applied from a prior year or amended form.

**(7) How to Compute the Amount Due for the Installment Due Dates:** The deferred deposits of the employer's share of Social Security tax must be paid by

- December 31, 2021 (50 percent of the *eligible* deferred amount), and
- December 31, 2022 (the remaining amount)

**Example:** If an employer was eligible to defer \$20,000 for the payroll tax deferral period, but paid \$15,000 of the \$20,000 and deferred \$5,000 for the payroll tax deferral period, the employer does not need to deposit any additional amount by December 31, 2021, since 50% of the eligible deferred amount (or \$10,000) has already been paid. The employer must pay the remaining \$5,000 by December 31,

2022.

**Example:** The maximum amount an employer was eligible to defer for the third quarter of 2020 is \$20,000. The employer deposited \$5,000 during the quarter and reported a deferred amount of \$15,000. The employer must pay \$5,000 by the first installment due December 31, 2021 (half of the eligible deferred amount is \$10,000 minus the \$5,000 already paid), and the remaining \$10,000 is due by December 31, 2022.

**(8) Resources To Find Deferred Tax Information:**

IMF	BMF
<p>TXMODA, IMFOLT</p> <ul style="list-style-type: none"> <li>• TC 766 CRN 280 with deferral amount</li> <li>• TC 767 CRN 280 (reversal of deferral amount)</li> </ul> <p><b>Note:</b> TXMODA displays the "MAXDEFER-CMPTR-AMT" field, which is the total maximum (<i>eligible</i>) deferral amount calculated by adding line 8b of Schedule H (primary and secondary) and line 26 of Schedule SE (primary and secondary)</p>	<p>TXMODA, BMFOLT</p> <ul style="list-style-type: none"> <li>• TC 766 CRN 280 with deferral amount</li> <li>• TC 767 CRN 280 (reversal of deferral amount)</li> </ul> <p><b>Note:</b> Currently TXMODA and BMFOL do not display the maximum (eligible) deferral amount for BMF modules. Also, the employee's portion of SS Tax deferral and employer's portion of SS tax deferral is combined as one TC 766 CRN 280. Refer to BMFOLR or view the tax return to see the actual portions of deferred employer share of Social Security tax and employee share of Social Security tax that was included with the TC 766 CRN 280</p>
<p>IMFOLM fields:</p> <ul style="list-style-type: none"> <li>• Unpaid Deferred Social Security Tax Due By 12/31/2021</li> <li>• Unpaid Deferred Social Security Tax Due By 12/31/2022</li> </ul>	<p>BMFOLM fields:</p> <ul style="list-style-type: none"> <li>• Employee Share of SS Tax Deferred Due 12/30/2021</li> <li>• The Deferred SS Tax Due 12/31/2021</li> <li>• The Deferred SS Tax Due 12/31/2022</li> </ul>
	<p>BMFOLR fields:</p> <ul style="list-style-type: none"> <li>• DEFER SECT 2302</li> <li>• DEFR EE FICA AMT</li> </ul>
<p>TRDBV</p> <ul style="list-style-type: none"> <li>• Form 1040, line 31</li> </ul>	<p>TRDBV</p> <ul style="list-style-type: none"> <li>• Form 941, line 13b total deferred, line 24 EE portion of SS tax that was included on line 13b</li> <li>• Form 943, Line 14b (ER SS tax) and 14c (EE SS tax)</li> </ul>

IMF	BMF
	<ul style="list-style-type: none"> <li>• Form 944, line 10b (ER SS tax) and 10c (EE SS tax)</li> <li>• Form CT-1, line 21 ER SS tax) and 22 (EE SS tax)</li> <li>• Form 1041, line 26 (transferred from Schedule G, line 18)</li> </ul>

**Note:** If the taxpayer disagrees with the amount due, See IRM 5.19.1.4.3, Determine Correct Tax Liability.

**(9) Repayment of the Deferred Taxes:**

If...	Then...
The taxpayer asks about paying the deferred amount before the due date	Advise the taxpayer they may pay the deferred amount anytime prior to the due date.
The taxpayer asks how to make payments for deferred amounts	<p>Explain that taxpayers can make the deferral payments through the EFTPS or by credit or debit card, money order or with a check. Visit IRS.gov, Paying Your Taxes, and click on the payment method to find instructions for the specific type of payment including what to include on a check or money order and where to mail the payment.</p> <p><b>Reminder:</b></p> <ul style="list-style-type: none"> <li>• Payments for the deferred tax <b>must</b> be separate from other tax payments because IRS systems won't recognize the deferral payment if it is with other tax payments or sent as a deposit.</li> <li>• Separate payments must be made for each tax period with deferred Social Security tax.</li> </ul> <p>Individuals making deferred Social Security tax payments in EFTPS should select <i>1040 US Individual Income Tax Returns and Deferred Social Security Tax</i> for the type of payment. Employers will select deferral payment and then change the date to the applicable tax period for the payment. Employers can visit EFTPS.gov, or call 800-555-4477 or 800-733-4829 for details.</p>

**(10) Unable to Pay the Deferred Tax by the Due Date:** Advise the taxpayer to pay as much as they can as often as they can to avoid additional FTP and interest charges. Refer to the table below, if the taxpayer states they are unable to full pay the deferred tax.



If the taxpayer states...	And the contact is...	Then...
They cannot pay the deferred amount	<p><b>BEFORE</b> the required payment due date and systemic reversal of the deferral amount has not yet occurred</p> <p><b>Note:</b> A payment plan cannot be set up before the false credit (TC 766 CRN 280) has been reversed with a TC 767.</p>	The taxpayer must wait until after the deferred payment due date and the "false credit" for the deferral has been reversed via a TC 767 CRN 280. The taxpayer should follow instructions in the balance due notice.
They cannot pay the deferred amount	<b>AFTER</b> the required payment due date and systemic reversal (TC 767 CRN 280) for the deferral amount due has occurred	The taxpayer may contact IRS via phone or visit IRS.gov, Paying Your Taxes to review options for a payment plan, offer in compromise or temporary delay in collection until their financial situation improves.
They cannot pay the deferred amounts by the 12/31/2021 and 12/31/2022 due dates	<b>AFTER</b> the 12/31/2021 due date and deferral reversal (TC 767 CRN 280), but <b>before</b> the second deferral due date of 12/31/2022	Explain that a payment arrangement may be considered for the deferral amount due with the first installment (12/31/2021). However, the taxpayer will need to contact IRS again to make payment arrangements for the remaining deferral amount (due 12/31/2022) once the due date is past and deferral reversal is showing.

**Note:** If the taxpayer disagrees with the amount due, See IRM 5.19.1.4.3, Determine Correct Tax Liability.

**IRM 5.19.1.6.4, Installment Agreements (IAs) Added caution under paragraph (2) for IA requests from taxpayers who have had their PCA payment arrangement end.**

(2) Written requests stating one or more of the following statements:

- I need to, or would like to make payments
- I can send payments
- Send me a bill every month
- I would like to make installments

IA requests are received on correspondence (including Form 433-D, Installment Agreement), and Form 9465, Installment Agreement Request. Only process correspondence as a valid IA request where it is clear the taxpayer has requested to

make payments on their tax debt.

**Caution:** If you receive an IA request from a taxpayer where they state their payment arrangement with former Private Collection Agency Performant or Pioneer has ended due to the recent contract expiration, refer the case to the Andover Campus Collection for expedited processing. See IRM 5.19.1.5.21.6, Payment Arrangements (PA) Granted by Private Collection Agencies.

**Note:** If the IA was requested on Form 9465, Installment Agreement Request, enter "94" in the XX position of the ALN, **except** for DDIAs. See Exhibit 5.19.1-9, ALNs.

**Note:** Form 433-H, Installment Agreement Request and Collection Information Statement, is a new hybrid form that was introduced in May 2019. It combines an IA request with a Collection Information Statement (CIS), and is intended for IMF taxpayers who are wage earners only who do not meet SIA criteria.

**IRM 5.19.1.6.4.6, IA Payment Methods and User Fees (UF) Overview Added Note in table under paragraph (5) to indicate a change to the OPA IA originator user fee beginning January 2022.**

(5) The purpose of an IA User Fee is for the IRS to recover costs of the services with administering the IA program to taxpayers. United States Code 9701 – as interpreted by Office of Management and Budget Circular A-25 – provides authority for the imposition of user fees. User fees are imposed for services pertaining to the entering into and monitoring of an IA and the restructuring or reinstating of an IA. See 26 CFR. 300.1. **Current User Fee Rates:**

From ...	Through ...	Current User Fee Rates ...
April 10, 2018,	Present,	<p>a. Origination User Fee: Manual:</p> <ul style="list-style-type: none"> <li>○ Low-Income regular IA origination - \$43, which may be reimbursed if certain conditions apply (see paragraph (13) below)</li> <li>○ Low-Income DDIA origination for DDIAs entered into on or after 4/10/2018 - \$0</li> <li>○ DDIA origination - \$107</li> <li>○ Regular IA origination - \$225</li> </ul> <p>Online Payment Agreement (OPA):</p> <ul style="list-style-type: none"> <li>○ OPA Low-Income Regular origination - \$43 (see paragraph (13) below)</li> <li>○ OPA Low-Income DDIA origination for DDIAs entered into on or after 4/10/2018 - \$0</li> <li>○ OPA Regular origination - \$149</li> </ul>

From ...	Through ...	Current User Fee Rates ...
		<p><b>Note:</b> Beginning January 2022 the user fee will be \$130</p> <ul style="list-style-type: none"> <li>○ OPA DDIA origination - \$31</li> </ul> <p><b>Note:</b> Taxpayers <b>must</b> establish their IA through OPA to be eligible for the OPA user fees shown above.</p> <p>b. Reinstatement/Restructuring User Fee: Manual:</p> <ul style="list-style-type: none"> <li>○ Low-Income regular IA reinstatement/restructuring - \$43, which may be reimbursed if certain conditions apply (see paragraph (13) below).</li> <li>○ Low-Income DDIA reinstatement/restructuring for DDIA's entered into on or after 4/10/2018 - \$0</li> <li>○ All other reinstatement/restructuring - \$89</li> </ul> <p>Online Payment Agreement (OPA):</p> <ul style="list-style-type: none"> <li>○ Low-Income regular IA reinstatement/restructuring (may be reimbursed if certain conditions apply (see paragraph (13) below)): <ul style="list-style-type: none"> <li>▪ \$43 for IAs reinstated or restructured on December 31, 2018 or earlier.</li> <li>▪ \$10 for IAs reinstated or restructured on January 1, 2019, or after.</li> </ul> </li> <li>○ All other reinstatement/restructuring: <ul style="list-style-type: none"> <li>▪ \$89 for IAs reinstated or restructured on December 31, 2018 or earlier.</li> <li>▪ \$10 for IAs reinstated or restructured on January 1, 2019, or after.</li> </ul> </li> </ul> <p><b>Note:</b> Taxpayers <b>must</b> establish their IA through OPA to be eligible for the OPA user fees shown above.</p> <p><b>Note:</b> See IRM 21.2.1.57, Online Payment Agreement (OPA) for IMF Debts, and IRM 21.2.1.57.1, Online Payment Agreements for Certain BMF Debts, for a list of the types of revisions that can and cannot be made through OPA.</p>

**Note:** See IRM 5.19.1.6.8, Online Payment Agreements (OPA).

**Note:** IDRS will systemically determine when the new rates apply based on when the IA is processed (or accepted). Ensure the appropriate IA Acceptance Date is entered when inputting the IA. Follow instructions in:

- Exhibit 5.19.1-6, IDRS Input of IAs, CC IAORG,
- Exhibit 5.19.1-7, IDRS Input of IAs, CC IAREV, or

- Exhibit 5.19.1-8, IDRS Input of Pre-assessed IAs and Short Term Payment Plans.

**Previous User Fee Rates:**

From ...	Through ...	Previous User Fee Rates ...
January 1, 2017,	April 9, 2018,	<p>a. Origination User Fee: Manual:</p> <ul style="list-style-type: none"> <li>○ Low-Income origination - \$43 (see paragraph (13) below)</li> <li>○ DDIA origination - \$107</li> <li>○ Regular IA origination - \$225</li> </ul> <p>Online Payment Agreement (OPA):</p> <ul style="list-style-type: none"> <li>○ OPA Low-Income Regular origination - \$43 (see paragraph (13) below)</li> <li>○ OPA Regular origination - \$149</li> <li>○ OPA DDIA origination - \$31</li> </ul> <p><b>Note:</b> Taxpayers <b>must</b> establish their IA through OPA to be eligible for the OPA user fees shown above.</p> <p>b. Reinstatement/Restructuring User Fee:</p> <ul style="list-style-type: none"> <li>○ Low-Income reinstatement/restructuring - \$43 (see paragraph (13) below)</li> <li>○ All other reinstatement/restructuring - \$89</li> </ul>
January 1, 2014,	December 31, 2016,	<p>a. Origination User Fee:</p> <ul style="list-style-type: none"> <li>○ Low-Income - \$43 (see paragraph (13) below)</li> <li>○ DDIA - \$52</li> <li>○ All others - \$120</li> </ul> <p>b. Reinstatement/Restructuring User Fee:</p> <ul style="list-style-type: none"> <li>○ All - \$50</li> </ul>

**IRM 5.19.1.6.8, Online Payment Agreements (OPA) Added planned OPA programming changes in January 2022 to allow short term payment plans up to 180 days under paragraph (1) Note. Added new paragraph (4) to include online account information.**

(1) OPA is a web application that taxpayers and tax practitioners may use to establish IAs via the internet. There are exclusion criteria preventing some individuals from establishing IAs through OPA; if the account meets exclusion criteria, the user is directed to call a toll-free number and is routed to CAS or ACS, depending on their account status.

**Note:** IRM 5.19.1.6.3, Short Term Payment Plan Within 180 Days, was recently updated to allow Short Term Payment Plans for up to 180 days, regardless of status. *Beginning in January 2022* OPA will allow short term payment plans of up to 180 days. Until the necessary programming changes can be made, OPA will only allow Short Term Payment Plans of up to 60 days on accounts with one or more modules in ST 22 or ST 24; and up to 120 days on accounts where all modules are in notice status.

(2) Customer Service and Collection Representatives in CAS and ACS, respectively, may receive questions regarding OPA access. Follow instructions in IRM 5.19.1.6.8.3, Referring Taxpayers to OPA.

(3) For additional information concerning OPA, including registration and login requirements, see IRM 21.2.1.57, Online Payment Agreement (OPA) for IMF Debts, and IRM 21.2.1.57.1, Online Payment Agreements for Certain BMF Debts.

(4) Online Account (OLA) is an additional online tool that allows taxpayers to see information about existing payment plans and eligibility and payment options. See IRM 21.2.1.62, Online Account, for more information.

**IRM 5.19.1.6.8.2, OPA User Fees Added Note in table under paragraph (2) to indicate a change to the OPA IA originator user fee beginning January 2022.**

(1) For an overview of IA user fees, see IRM 5.19.1.6.4.6, IA Payment Methods and User Fees (UF) Overview.

(2) Effective January 1, 2017, new IA user fees were introduced for taxpayers who establish IAs through OPA.

From ...	Through ...	Current User Fee Rates ...
January 1, 2017, - as amended by the Bipartisan Budget Act of 2018,	Present,	<p>a. OPA Origination User Fee:</p> <ul style="list-style-type: none"> <li>○ OPA Low-Income Regular - \$43 (see IRM 5.19.1.6.4.6(13), IA Payment Methods and User Fees (UF) Overview)</li> <li>○ OPA DDIA Low-Income - \$ 0 (for DDIA's granted on 4/10/2018 or after)</li> <li>○ OPA Regular - \$149</li> </ul> <p style="text-align: center;"><b>Note:</b> <i>Beginning January 2022</i> the user fee will be \$130</p> <ul style="list-style-type: none"> <li>○ OPA DDIA - \$31</li> </ul> <p>b. Reinstatement/Restructuring User Fee:</p> <ul style="list-style-type: none"> <li>○ Low-Income - <ul style="list-style-type: none"> <li>▪ \$43 for IAs reinstated or restructured on December 31, 2018 or earlier.</li> </ul> </li> </ul>

From ...	Through ...	Current User Fee Rates ...
		<ul style="list-style-type: none"> <li>▪ \$10 for IAs reinstated or restructured on January 1, 2019, or after.</li> <li>○ Low-Income DDIA reinstatement/restructuring (for IAs granted on 4/10/2018 or after) - \$ 0</li> </ul> <p><b>Note:</b> See IRM 5.19.1.6.4.6(13), IA Payment Methods and User Fees (UF) Overview, or IRM 5.19.1.6.4.6.4, Reimbursement of User Fee for Qualifying Low-Income Taxpayers, for more information.</p> <ul style="list-style-type: none"> <li>○ All other reinstatement/restructuring - <ul style="list-style-type: none"> <li>▪ \$89 for IAs reinstated or restructured on December 31, 2018 or earlier.</li> <li>▪ \$10 for IAs reinstated or restructured on January 1, 2019, or after.</li> </ul> </li> </ul>

**Note:** Taxpayers **must** establish their IA through OPA to be eligible for the OPA user fees shown above.

**IRM 5.19.1.6.8.3, Referring Taxpayers to OPA Revised guidance under paragraph (4) and deleted second note under paragraph (9) to align with the Secure Access Digital Identity (SADI) verification and authentication processing.**

(1) When referring taxpayers to use the OPA application:

- a. Review the IAT Compliance Suite tool to determine OPA eligibility or, Exhibit 5.19.1-12, OPA Referral Criteria.

**Note:** The OPA Referral Criteria listed in Exhibit 5.19.1-12, OPA Referral Criteria, is not an all-inclusive list of ineligibility account conditions.

- b. If the IMF taxpayer appears to qualify to use OPA and/or the taxpayer expresses an interest in using OPA to establish their agreement, then allow them time to do so.
- c. If the taxpayer does not appear to meet OPA referral criteria or they report problems when attempting to use OPA, see IRM 5.19.1.6.8.3.1, Taxpayer Problems With OPA.

(2) For taxpayers who meet low-income guidelines and establish an agreement *on or after* 4/10/2018:

If ...	Then ...
Low-income taxpayer agrees to make electronic payments through a debit instrument by entering into a DDIA,	Origination user fee is waived.
Low-income taxpayer is unable to make electronic payments through a debit instrument by entering into a DDIA,	Origination user fee of \$43.00 is charged, which will be reimbursed upon completion of the agreement.
Low-income taxpayer agrees to revise/reinstate to a DDIA,	Reinstatement/revision user fee is waived.
Low income taxpayers revises/reinstates but cannot revise to or reinstate a DDIA,	Reinstatement/revision user fee of \$43.00 is charged (\$10 if completed through OPA on or after 1/1/2019), which will be reimbursed upon completion of the agreement.

**Note:** If the taxpayer's account does not show a low-income or RUF1 indicator but the taxpayer states they would like their account reviewed to determine whether they meet low-income criteria, advise them to complete and submit Form 13844, Application for Reduced User Fee for Installment Agreements. See IRM 5.19.1.6.4.6, IA Payment Methods and User Fees (UF) Overview, for information on how this form is processed.

**Note:** Applicable forms/pubs now include a self-identification check box for acknowledging the inability to make electronic payments through a debit instrument.

(3) Refer taxpayers to OPA and advise them of the different user fee rates using the following table:

If ...	Suggested Questions/Statements/Actions ...
Taxpayer meets OPA referral criteria and does not have an exclusion,	<p><i>"Mr. /Mrs. _____, based on the balance you owe, you qualify for an installment agreement, which you may be eligible to set up online. If I set up a regular installment agreement the setup fee is \$225, however if you go online and setup a direct debit installment agreement from your bank account the setup fee is \$31. The Online Payment Agreement application, similar to other online bill pay services, offers the following advantages:"</i></p> <ul style="list-style-type: none"> <li>• <i>"Fast, easy and secure way to establish a payment plan,"</i></li> <li>• <i>"Instant notification of approval and print confirmation of your agreement,"</i></li> <li>• <i>"Save on the setup fee." (See SERP, IRM Supplements, Installment Agreement (IA) User Fees &amp; Codes).</i></li> </ul> <p><b>Note: Do not</b> ask the TP for a payment proposal. The TP will be prompted in OPA to enter an amount. OPA will advise the TP of the minimum acceptable amount.</p>

(4) If the taxpayer agrees to use OPA:

**Reminder:** Not all taxpayers are eligible to use OPA.

Suggested Questions/Statements/Actions ...
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Advise the taxpayer, <i>"Simply go to <a href="http://www.irs.gov/paymentplans">www.irs.gov/paymentplans</a> to get started. You will need to verify your identity to apply online. For a Direct Debit Installment Agreement, be sure to have your banking information with you, routing number and account number. You must begin the process of inputting your installment agreement online within 48 hours. Be sure to use the SSN that appears first on the balance due tax return."</i>
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**Caution:** ACS employees are **not** responsible for assisting users with technical issues regarding OPA. **Do not** navigate or help the taxpayer through the OPA process beyond the steps listed above. If the taxpayer agrees to use OPA, they are responsible for accessing and using the application themselves, after the end of the call. Online resources are available to assist the taxpayer.

(5) Warn of enforcement action as applicable. See IRM 5.19.1.7, Warning of Enforcement Action and Enforced Collection.

(6) Document AMS with comments indicating the TP agreed to use OPA, e.g., "OPAGREE".

(7) If the taxpayer makes a payment proposal *at any time* during the discussion that meets Pending IA criteria, take the following actions:

- Input TC 971 AC 043. See IRM 5.19.1.6.4.7, Pending IA Criteria, and IRM 5.19.1.6.4.7.2, Cases Meeting Pending IA Criteria.
- Advise the taxpayer of the user fee.
- Document AMS with terms/amount of proposed agreement; and annotate "OPAGREE" in AMS comments as the reason for not inputting IA at time of the call.
- For ACS cases, input "TOP5, 21,OPAGREE". For SCP employees, input "TON1, 21,OPAGREE".

**Exception:** When there is an outstanding levy on an ACS case that needs to be released, send case to "P5" with 2 day follow-up to allow for the 48 hour deadline for the caller to use OPA; use the literal "OPALEVY". For SCP employees, send the case to "N1" with a 2 day follow-up and use the literal "OPALEVY".

**Note:** ACS Function/Unit "P5" has been established for OPA cases requiring follow-up. SCP Function/Unit "N1" will house OPA cases requiring follow-up.

(8) **Follow-up actions on Notice Status cases:** Input CC STAUP 2200, and CC ASGNI/CC ASGNB "0120", where "01" = ACS TDA/TDI Suspense File, and "20" = Potential ACS IA.



(9) **Follow-up actions on ACS cases:** For ACS status cases, input the following literal as appropriate:

If ...	Then ...
No modules with a final notice date and levy source present,	"TOE2, 21,OPAGREE"
One or more modules with a final notice date and levy source present,	"TOE3, 21,OPAGREE"
Case is already in an "E" Enforcement function/unit,	"OADT, 21,OPAGREE"
No levy source is present,	"TOI4, 21,OPAGREE"

**Note:** For FERDI accounts with no levy sources, input "OADT, 21,OPAGREE" and leave in current inventory.

(10) **Levy Release:** If there is an outstanding levy, advise the taxpayer the wage levy will be released upon verification of an IA. If economic hardship exists, follow existing procedures in IRM 5.19.4.4.10(5)(j), Levy Release: General Information, for Release of Levy. Establish the agreement per guidance in IRM 5.19.1, Balance Due.

**IRM 5.19.1.6.8.3.1, Taxpayer Problems With OPA Revised guidance in table under paragraph (4) to align with the Secure Access Digital Identity (SADI) verification and authentication processing. Revised reminder in first row of table under paragraph (5) to add planned OPA programming changes in January 2022 to allow short term payment plans up to 180 days.**

(1) Not all taxpayers are able to use OPA.

**Note:** Payroll Deduction Agreements (PDIAs) cannot be processed through OPA.

**Note:** During IDRS downtime, OPA cannot be accessed. Follow procedures in IRM 5.19.5.4.12, Telephone Techniques and Communication Skills, and assist the taxpayer to the extent the available systems will allow.

(2) If the caller is unable to access OPA because of too many unsuccessful attempts, ask the taxpayer to wait until the next day and try again. If the taxpayer forgot their username or password, ask them to follow the prompts on the Log In screen.

(3) Employees are **not** responsible for assisting users with technical issues regarding OPA.

**Caution: Do not** request or use a taxpayer's username and/or password. **Do not** attempt to login or otherwise navigate or assist the taxpayer through the OPA process. If the taxpayer agrees to use OPA, they are responsible for accessing and using the application themselves, after the end of the call. Online resources are

available to assist the taxpayer.

(4) If a taxpayer reports experiencing difficulty using OPA, apologize. Inform callers you do not have access to OPA, but can assist them with their account if they do not wish (or are unable) to use OPA. Follow normal procedures for processing balance due accounts.

If ...	Then ...
Taxpayer meets OPA Referral Criteria, but encounters difficulty establishing an OPA log-in,	Resources are available to assist taxpayers with registration. Refer to IRM 21.2.1.58.2, Secure Access Digital Identity (SADI).
Taxpayer meets OPA Referral Criteria, but is unsuccessful establishing an IA using OPA,	<ol style="list-style-type: none"> <li>1. Advise caller that not all taxpayers may be able to use OPA.</li> <li>2. Apologize for any difficulty they experienced using the OPA application.</li> <li>3. Work with the taxpayer to establish the IA following IRM 5.19.1, Balance Due, guidance.</li> </ol> <p><b>Reminder:</b> ACS employees should follow Exhibit 5.19.1-3, ACS Call Flow.</p>
Taxpayer meets OPA Referral Criteria but a credit transfer or adjustment is required,	<ol style="list-style-type: none"> <li>1. Advise caller that not all taxpayers may be able to use OPA.</li> <li>2. Apologize for any difficulty they experienced using the OPA application.</li> <li>3. Process necessary credit transfer or adjustment.</li> <li>4. Work with the taxpayer to establish the IA following IRM 5.19.1, Balance Due, guidance.</li> </ol> <p><b>Reminder:</b> ACS employees should follow Exhibit 5.19.1-3, ACS Call Flow.</p>
TP does not meet OPA referral criteria,	<ol style="list-style-type: none"> <li>1. Advise caller that not all taxpayers may be able to use OPA.</li> <li>2. Apologize for any difficulty they experienced using the OPA application.</li> <li>3. Work with the taxpayer to establish the IA following IRM 5.19.1, Balance Due, guidance.</li> </ol> <p><b>Reminder:</b> ACS employees should follow Exhibit 5.19.1-3, ACS Call Flow.</p>

(5) If the taxpayer is not able to use OPA to establish an installment agreement and expresses a concern about paying a higher user fee, then advise them of the following:

**Advise ...**

To *eliminate* the user fee, qualified taxpayers can set up a short-term agreement to a Short Term Payment Plan of up to 120 days or less. This can be done using the OPA application.

**Reminder:** If the taxpayer requests to full pay within 121 - 180 days, see IRM 5.19.1.6.3, Short Term Payment Plan Within 180 Days. *Beginning in January 2022* OPA will allow Short Term Payment Plans up to 180 days.

If the taxpayer needs an installment agreement, the IRS is required to charge a user fee **(the user fee structure is based on the IRS's cost of providing each type of installment agreement and the taxpayer's income level).**

(6) If the AAB is over \$50,000 and the taxpayer agrees to make a Voluntary Lump Sum Payment (VLSP), follow IRM 5.19.1.6.4.21, VLSP. Encourage the taxpayer to use Direct Pay to make the payment.

**Exhibit 5.19.1-3, ACS Call Flow Revised paragraph (3) of second row under Corresponding Research/Actions column to add guidance to research for assignment to SCP.**

ACS employees taking incoming phone calls **must** use the following call flow:

<b>Suggested Questions/Statements</b>	<b>Corresponding Research/Actions</b>
<p>"This is Mr./Ms. _____. My ID number is _____. May I have the Taxpayer Identification Number you are calling about today? How may I help you?"</p>	<ol style="list-style-type: none"><li>1. Greet the caller, ask for the TIN and why they're calling. See IRM 5.19.5.4.12 (3), Telephone Techniques and Communication Skills.</li><li>2. Begin the disclosure process. Determine if IMF or BMF entity.<ol style="list-style-type: none"><li>a. If the account is IMF, complete disclosure per IRM 5.19.1.2.2, Disclosure Overview: Verifying Identity of Contact Party, and IRM 21.1.3.2.3, Required Taxpayer Authentication.</li><li>b. If the account is BMF, complete disclosure per IRM 21.1.3.2.3(7), Required Taxpayer Authentication.</li></ol></li></ol> <p><b>Exception:</b> If a Spanish speaking caller is on the English line, transfer them to the Spanish line. See IRM 5.19.1.3.5(2), For All ACS Employees.</p>

Suggested Questions/Statements	Corresponding Research/Actions
	<p><b>Reminder:</b> If the caller needs a language interpreter other than Spanish, follow IRM 5.19.1.3.5.1(4), Multilingual Services.</p> <p><b>Exception:</b> If the caller is an International taxpayer living abroad, provide the International number. See IRM 5.19.1.3.2.1(6), General Transfer and Referral Information, and IRM 5.19.19.1.2.1(9), General Information.</p> <ol style="list-style-type: none"> <li>3. Follow IRM 21.1.3.2.4, Additional Taxpayer Authentication, when appropriate.</li> <li>4. If a third party caller is authorized on a Form 8821, Tax Information Authorization, see IRM 5.19.1.2.2.1, Instructions for Form 8821, Taxpayer Information Authorization.</li> <li>5. Target the caller’s question by paraphrasing to ensure you identified the issue.</li> </ol>
<p><i>"May I place you on hold while I research your account?"</i></p>	<ol style="list-style-type: none"> <li>1. If you must place the taxpayer on hold while researching an inquiry, provide the reason for placing the taxpayer on hold, ask for permission and wait for a response. Advise the taxpayer of the promised wait time of no more than five (5) minutes, and return to the taxpayer within that time frame. For further information, IRM 5.19.5.4.12(11), Telephone Techniques and Communication Skills.</li> <li>2. When researching the taxpayer’s account, begin by reading the most current AMS History first.</li> </ol> <p><b>Note:</b> If extensive history is available, try to target AMS History from the last six months.</p> <ol style="list-style-type: none"> <li>3. Determine if call is regarding a collection issue. <ol style="list-style-type: none"> <li>a. If not, transfer call per IRM 5.19.1.3, Referrals or Redirect.</li> </ol> </li> </ol>

Suggested Questions/Statements	Corresponding Research/Actions
	<p>Generate a transfer PIN per IRM 5.19.1.2.2.3, Transfer Personal Identification Number (PIN) Generation, if appropriate.</p> <p>b. If yes, research ACSWeb to determine if the account is assigned to SCP. If assigned to SCP, transfer the call per IRM 5.19.1.3.5.3.7, Special Compliance Personnel (SCP) Calls. Otherwise, proceed with assisting the taxpayer.</p>
<p><i>"Mr./Mrs. _____, my research shows you have filed all required returns."</i></p> <p><i>"Mr./Mrs. _____, my research shows that we have not received a return from you for tax year 2016. Can you file the return today?"</i></p> <p><i>"Mr./Mrs. _____, my research shows that no Estimated Tax Payments were received for tax year 2018. You stated that you did not know you were required to make them. I will mail Pub 505, Tax Withholding and Estimated Tax, to you. It will tell you how to make Estimated Tax Payments. By making these payments, you can ensure you pay sufficient tax through the year as you earn it."</i></p>	<ol style="list-style-type: none"> <li>1. Complete Full Compliance Check. See IRM 5.19.1.4.4.1, Full Compliance Check. IAT Compliance Suite is recommended to perform this step.</li> </ol> <p><b>Exception:</b> This step is <b>not</b> required if the case history shows a full compliance check was completed within the last 30 days.</p> <ol style="list-style-type: none"> <li>2. Complete Cause and Cure and identify the cause of the liability. See IRM 5.19.1.4.4.2, Balance Due Taxpayer Education (Cause and Cure). IAT Compliance Suite is recommended to perform this step.</li> </ol> <p><b>Exception:</b> This step is <b>not</b> required if the case history shows cause and cure was previously documented and there are no new delinquencies.</p>
<p><i>"What is your best contact phone number?"</i></p>	<ol style="list-style-type: none"> <li>1. Ask the taxpayer for their best contact number.</li> <li>2. For more information, see IRM 5.19.1.4.2, Taxpayer Information.</li> </ol>
<p><i>"Thank you for holding while I researched your account."</i></p>	<ol style="list-style-type: none"> <li>1. When research has been completed, address research findings.</li> </ol> <p><b>Note:</b> If the taxpayer asks about Passport Certification, refer to IRM 5.19.1.5.19, Passport Certification in Case of Certain Tax Debts.</p>

Suggested Questions/Statements	Corresponding Research/Actions
	<p data-bbox="906 233 1430 331"><b>Note:</b> If the taxpayer is assigned to a PCA, refer to IRM 5.19.1.5.21, Private Debt Collection.</p> <p data-bbox="906 373 1422 510"><b>Note:</b> If the taxpayer is assigned to SCP, refer to IRM 5.19.1.3.5.3.7, Special Compliance Personnel (SCP) Calls.</p> <p data-bbox="857 552 1433 621">2. Follow <b>Path A</b>, <b>Path B</b> or <b>Path C</b> as appropriate for the taxpayer's account.</p>