

retary of the Treasury or the Secretary's delegate shall prescribe the procedures for complying with the requirements of section 4093(c)(3) of the 1986 Code (as added by this section)."

Amendment by Pub. L. 100-418 applicable to crude oil removed from the premises on or after Aug. 23, 1988, see section 1941(c) of Pub. L. 100-418, set out as a note under section 164 of this title.

#### EFFECTIVE DATE

Section applicable to returns the due date for which (determined without regard to extensions) is after Dec. 31, 1986, see section 1501(e) of Pub. L. 99-514, set out as a note under section 6721 of this title.

#### CONSTRUCTION OF 2002 AMENDMENT

Nothing in amendment by Pub. L. 107-210, other than provisions relating to COBRA continuation coverage and reporting requirements, to be construed as creating new mandate on any party regarding health insurance coverage, see section 203(f) of Pub. L. 107-210, set out as a Construction note under section 35 of this title.

#### PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1998

For provisions directing that if any amendments made by subtitle D [§§1401-1465] of title I of Pub. L. 104-188 require an amendment to any plan or annuity contract, such amendment shall not be required to be made before the first day of the first plan year beginning on or after Jan. 1, 1998, see section 1465 of Pub. L. 104-188, set out as a note under section 401 of this title.

### § 6725. Failure to report information under section 4101

#### (a) In general

In the case of each failure described in subsection (b) by any person with respect to a vessel or facility, such person shall pay a penalty of \$10,000 in addition to the tax (if any).

#### (b) Failures subject to penalty

For purposes of subsection (a), the failures described in this subsection are—

(1) any failure to make a report under section 4101(d) on or before the date prescribed therefor, and

(2) any failure to include all of the information required to be shown on such report or the inclusion of incorrect information.

#### (c) Reasonable cause exception

No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.

(Added Pub. L. 108-357, title VIII, § 863(d)(1), Oct. 22, 2004, 118 Stat. 1620.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable to penalties imposed after Dec. 31, 2004, see section 863(e) of Pub. L. 108-357, set out as a note under section 6719 of this title.

#### Subchapter C—Procedural Requirements

Sec.

6751. Procedural requirements.

### § 6751. Procedural requirements

#### (a) Computation of penalty included in notice

The Secretary shall include with each notice of penalty under this title information with re-

spect to the name of the penalty, the section of this title under which the penalty is imposed, and a computation of the penalty.

#### (b) Approval of assessment

##### (1) In general

No penalty under this title shall be assessed unless the initial determination of such assessment is personally approved (in writing) by the immediate supervisor of the individual making such determination or such higher level official as the Secretary may designate.

##### (2) Exceptions

Paragraph (1) shall not apply to—

(A) any addition to tax under section 6651, 6654, 6655, or 6662 (but only with respect to an addition to tax by reason of paragraph (9) or (10) of subsection (b) thereof); or

(B) any other penalty automatically calculated through electronic means.

#### (c) Penalties

For purposes of this section, the term "penalty" includes any addition to tax or any additional amount.

(Added Pub. L. 105-206, title III, § 3306(a), July 22, 1998, 112 Stat. 744; amended Pub. L. 116-260, div. EE, title II, § 212(b)(3), Dec. 27, 2020, 134 Stat. 3067; Pub. L. 117-328, div. T, title VI, § 605(a)(2)(D), Dec. 29, 2022, 136 Stat. 5395.)

#### Editorial Notes

##### CODIFICATION

Another section 212(b) of div. EE of Pub. L. 116-260 amended section 63 of this title.

##### AMENDMENTS

2022—Subsec. (b)(2)(A). Pub. L. 117-328 substituted "paragraph (9) or (10) of subsection (b)" for "subsection (b)(9)".

2020—Subsec. (b)(2)(A). Pub. L. 116-260 substituted "6655, or 6662 (but only with respect to an addition to tax by reason of subsection (b)(9) thereof)" for "or 6655".

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-328 applicable to contributions made after Dec. 29, 2022, see section 605(c)(1) of Pub. L. 117-328, set out as a note under section 170 of this title.

##### EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 applicable to taxable years beginning after Dec. 31, 2020, see section 212(d) of div. EE of Pub. L. 116-260, set out as a note under section 62 of this title.

##### EFFECTIVE DATE

Pub. L. 105-206, title III, § 3306(c), July 22, 1998, 112 Stat. 744, as amended by Pub. L. 106-554, § 1(a)(7) [title III, § 302(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-632, provided that: "The amendments made by this section [enacting this subchapter] shall apply to notices issued, and penalties assessed, after June 30, 2001. In the case of any notice of penalty issued after June 30, 2001, and before July 1, 2003, the requirements of section 6751(a) of the Internal Revenue Code of 1986 shall be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer's assessment and payment history with respect to such penalty."