

SUPPORTING STATEMENT PS-8-95 and PS-27-91

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

PS-8-95

Section 4251 of the Internal Revenue Code imposes a tax on amounts paid for certain communications services. Section 4261 imposes various taxes on amounts paid for the transportation of persons by air. Section 4271 imposes a tax on amounts paid for the air transportation of property. Under §§4251 (a)(2), 4261 (d), and 4271(b), the person liable for the tax is the person making the payment on which tax is imposed. Under §4291, the person receiving that payment must collect the tax and pay it over to the government.

Section 49.4291-1 of the regulations provides that the collector must report any refusal by the taxpayer to pay the tax to the Internal Revenue Service by the due date of the return required for the period during which the liability for tax was incurred.

Section 6302(c) authorizes the Secretary to prescribe the time, manner, and conditions under which taxes imposed under internal revenue laws may be received at government depositories.

Section 40.6302(c)-3(b)(2)(ii) requires that persons using the alternative method described in 40.6302(c)-3(b)(2)(i)(A) include in the separate account items of adjustment (relating to the tax for prior months within the period of limitations on credits or refunds) based on the reports of refusals to pay tax made to the Commissioner during the month as required by §§49.4291-1.

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Section 6302(c) authorizes the Secretary to prescribe the time, manner, and conditions under which taxes imposed under internal revenue laws may be received at government depositories.

Section 40.6302(c)-3(b)(2)(i) permits any person required to collect any pay over any tax imposed by chapter 33 of the Code to compute the amount of such tax to be deposited on the basis of amounts considered as collected (the "alternative method") instead of on the basis of actual collections of tax.

Section 40.6302(c)-3(b)(2)(ii) requires persons that use the alternative method described in § 40.6302(c)-3(b)(2)(i) to keep a separate account reflecting items of federal excise tax included in amounts billed or tickets sold to customers during each month and items of adjustment relating to the tax for prior months within the period of limitations on credits or refunds.

Section 40.6302(c)-3(b)(2)(iii) requires persons to notify the Commissioner before changing from one method of computing deposits to another.

Section 40.6302(c)-3(e) requires persons using the alternative method to make a return of tax on the basis of the net amount of tax reflected in the separate account.

2. USE OF DATA

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The data collected under §49.4291-1 currently is used by the Service to assess the tax directly against taxpayers that refuse to pay the tax.

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The data will be used by the Service to verify that the proper amount of tax is deposited and reported.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

There are no plans to provide electronic filing because electronic filing is not appropriate for the collection of information in this submission.

4. EFFORTS TO IDENTIFY DUPLICATION

We have attempted to eliminate duplication within the agency wherever possible.

5. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES

We have been unable to reduce burden specifically for small businesses.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES

Not applicable.

7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

Not applicable.

8. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

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A notice of proposed rulemaking (60 FR 44788) was published simultaneously with temporary regulations (60 FR 44758) in the Federal Register on August 29, 1995. No public hearing was held. The final regulations were published in the Federal Register on November 12, 1996 (61 FR 58004). We inadvertently neglected to include the paperwork requirements for §49.4291-1.

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A notice of proposed rulemaking was published in the Federal Register on January 31, 1992 (57 FR 3734). A public hearing was scheduled, but the sole request to speak was withdrawn and the public hearing was not held. The final regulations were published in the Federal Register on October 22, 1992 (57 FR 48174).

On January 31, 1992, a notice of proposed rulemaking was published in the Federal Register (57 FR 3734). Written comments responding to the notice were received. The proposed regulations were adopted as revised by the final regulations (TD 8442) published on October 22, 1992 (57 FR 48174).

In response to the Federal Notice dated January 29, 2007 (72 F.R. 4064), we received no comments during the comment period.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

Not applicable.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 USC 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

Not applicable.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

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Section 49.4291-1 of the regulations requires collectors to report to the Service when taxpayers refuse to pay tax imposed by §§4251, 4261, or 4271. We estimate that 150 collectors will receive an average of 10 refusals for a total of 1,500 reports to the Service, and that it will take an average of .33 hour to provide each report. The total burden for the reporting requirement is 500 hours.

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Section 40.6302(c)-3(b)(2)(ii) requires persons that use the alternative method described in §40.6302(c)-3(b)(2)(i) to keep a separate account reflecting items of federal excise tax included in amounts billed or tickets sold to customers during each month and items of adjustment relating to the tax for prior months within the period of limitations on credits or refunds. We estimate that 4,000 persons will maintain separate accounts and it will take them 60 hours to comply with the requirement. The total burden for this recordkeeping requirement is 240,000 hours.

Section 40.6302(c)-3(b)(2)(iii) requires persons to notify the Commissioner before changing from one method of computing deposits to another. We estimate that 1,000 persons will notify the Commissioner about a change of method and it will take them 0.25 hour to comply with the requirement. The total burden for this reporting requirement is 250 hours.

Section 40.6302(c)-3(e) requires persons using the alternative method to make the return of tax on the basis of the net amount of tax reflected in the separate account. We estimate that 4,000 persons will use the alternative method and it will take them 0.4 hour to report the tax based on the separate account. The total burden for this reporting requirement is 1,600 hours.

The total burden is 242,350 hours.

Estimates of the annualized cost to respondents for the hour burdens shown are not available at this time.

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

As suggested by OMB, our Federal Register notice dated January 29, 2007, requested public comments on estimates of cost burden that are not captured in the estimates of burden hours, i.e., estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. However, we did not receive any response from taxpayers on this subject. As a result, estimates of the cost burdens are not available at this time.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

Not applicable.

15. REASONS FOR CHANGE IN BURDEN

There is no change in the paperwork burden previously approved by OMB. We are making this submission to renew the OMB approval.

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

Not applicable.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

We believe that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the regulations sunset as of the expiration date. Taxpayers are not likely to be aware that the Service intends to request renewal of the OMB approval and obtain a new expiration date before the old one expires.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT ON OMB FORM 83-I

Not applicable.

Note: The following paragraph applies to all of the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

