

**SUPPORTING STATEMENT
(Form 8453-EX)**

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

The Form 8453-EX, Excise Tax Declaration for an IRS *e-file* Return, will be used in the Modernized e-File program. This form is necessary to enable the electronic filing of Forms 720, 2290, and 8849.

The authority to *e-file* Form 2290 is Internal Revenue Code section 4481(e), as added by section 867(c) of P.L. 108-357.

There is no legal authority to file Forms 720 and 8849 electronically. Instead, they were added to Modernized e-File to meet the stated Congressional policy that paperless filing is the preferred and most convenient means of filing Federal tax and information returns.

2. USE OF DATA

Form 8453-EX is used to authenticate an electronic Form 720, 2990, or 8849, authorize the electronic return originator, and/or intermediate service provider, if any, to transmit via a third-party transmitter; and provide the taxpayer's consent to authorize an electronic funds withdrawal for payment of Federal taxes owed.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

The form is a primary avenue to enable electronic filing of Forms 720, 2290, and 8849. This form is filed electronically with the taxpayer's electronically filed return.

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 attempted to minimize the burden on small businesses or other small entities.

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**

Periodic meetings are held between IRS personnel and representatives of the American Bar Association, the National Society of Public Accountants, the American Institute of Certified Public Accountants, and other professional groups to discuss tax law and tax forms. During these meetings, there is an opportunity for those attending to make comments regarding Form 8879-EX.

We will publish a notice in the Federal Register in the near future to solicit public comments on Form 8879-EX.

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**

The burden estimate is as follows:

<u>Form</u>	<u>Number of Responses</u>	<u>Time per Response</u>	<u>Total Hours</u>
8453-EX	15,000	2 hrs., 49 mins.	42,600

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

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information are not available at this time.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

After consultation with various functions within the Service, we have determined that the cost of developing, printing, processing, distribution and overhead for the form is \$ 500.

15. REASONS FOR CHANGE IN BURDEN

Not applicable.

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

Not applicable.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

See attachment.

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.

Under IRC 4481(e), taxpayers reporting 25 or more vehicles for the taxable period are required to e-file Form 2290. If Form 8453-EX is not approved immediately, these taxpayers cannot meet their statutory filing requirement. Additionally, other taxpayers may not be prepared to file a paper return timely because they were promised that Form 2290 e-file will be available for this year's filing. Our external

business customers will also be negatively impacted if Form 8453-EX is not approved immediately. For example, the current e-file provider may cancel their participation in the program if we delay their release (scheduled for July 30, 2007). Without this provider's participation, the excise e-file program may never get off the ground and the IRS will be in violation of providing the e-file system required under IRC 4481(e).