

SUPPORTING STATEMENT

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Sections 170(f)(8) and 6115 were added to the Code by sections 13172 and 13173 of the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66. 107 Stat. 455, 1993-3 C.B. 43. Section 170(f)(8) generally provides that no charitable contribution deduction will be allowed under section 170(a) for a contribution of \$250 or more unless the taxpayer substantiates the contribution with a contemporaneous written acknowledgment from the donee organization. Section 6115 generally requires that a donee organization provide a written statement to the donor if it receives a "quid pro quo contribution" in excess of \$75. These regulations provide guidance regarding the substantiation and disclosure requirements for certain charitable contributions.

2. USE OF DATA

The data is used by taxpayers to substantiate their charitable contributions.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

IRS publications, regulations, notices and letters are to be electronically enabled on an as practicable basis in accordance with the IRS Reform and Restructuring Act of 1998.

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 the burden 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**

A notice of proposed rulemaking was published in the Federal Register on August 4, 1995 (60 FR 39896). A public hearing was held on November 1, 1995. The final regulations were published in the Federal Register on December 16, 1996 (61 FR 65946).

We received no comments during the comment period in response to the **Federal Register** notice dated **August 31, 2007** (72 FR 50459).

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**

Section 1.170A-13(f)(1) generally provides that no charitable contribution deduction will be allowed under section 170(a) for a contribution of \$250 or more unless the taxpayer substantiates the contribution with a contemporaneous written acknowledgment from the donee organization.

Section 1.170A-13(f)(8) provides that unreimbursed expenditures made incident to the rendition of services may be substantiated with two documents in lieu of a single

acknowledgment provided by the donee organization.

Section 1.170A-13(f)(13) provides that if a partnership or an S corporation makes a charitable contribution of \$250 or more, the partners or shareholders will be treated as satisfying the requirements of section 170(f)(8) for that contribution if the partnership or S corporation obtains and maintains in its records a contemporaneous written acknowledgment of the contribution.

Section 1.6115-1 generally requires that a donee organization provide a written statement to the donor if it receives a "quid pro quo contribution" in excess of \$75.

We believe that there are approximately 750,000 respondents subject to the reporting requirements in sections 1.170A-13(f)(1), 1.170A-13(f)(8), and 1.6115-1. We estimate that on occasion the respondents will be required to respond to the reporting requirements. We also estimate that the burden per respondent is 2.5 hours, and the total annual reporting burden for all respondents is 1,875,000 hours.

We believe that there are approximately 1,000,000 recordkeepers subject to the recordkeeping requirements of section 1.170A-13(f)(13). We estimate that the annual burden per recordkeeper is .10 hour, and the total annual recordkeeping burden for all recordkeepers is 100,000 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 **August 31, 2007** (72 FR 50459), 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 regulation sunsets 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.