

**2007 Form 941, 4th Quarter 2007 (Rev. October 2007),
Employer's QUARTERLY Federal Tax Return**

Purpose: This is the second circulation of the 2007 Form 941 (Rev. October 2007) for review and comment. The major changes are discussed on page 2. This circulation includes the mailout version and the over-the-counter version of Form 941. The previous circulation indicated a reprint for the 4th quarter of 2007.

TPCC Meeting: None scheduled.

Prior Version: The 2007 Form 941 (Rev. January 2007) is available at:
<http://www.irs.gov/pub/irs-pdf/f941.pdf> .

Instructions: The 2007 Instructions for Form 941 circulation is available at
http://taxforms.web.irs.gov/Circulations/TPCC/2007/c01/07i941q4_d2.pdf

Other Products: Circulations of draft tax forms and instructions are posted at
<http://taxforms.web.irs.gov/Circulations/index.htm>

Comments: Please email, fax, or call with any comments by October 25, 2007, and email the reviewer, Ron Gamble, at Ronald.W.Gamble@irs.gov .

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October 18, 2007

Instructions for Form 941, 4th Quarter 2007 (Rev. October 2007) Employer's QUARTERLY Federal Tax Return

TPCC Meeting: None scheduled.

Purpose: This is the second circulation of the 2007 Instructions for Form 941 (Rev. October 2007) for review and comment. The major changes are discussed on page 2. The previous circulation indicated a reprint for the 4th quarter of 2007.

Prior Version: The January 2007 revision of the Instructions for Form 941 is available at: <http://www.irs.gov/pub/irs-pdf/i941.pdf> .

Form: The 2007 Form 941 (Rev. October 2007) circulation is available at http://taxforms.web.irs.gov/Circulations/TPCC/2007/c01/07f941q4_d2.pdf

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October 18, 2007

2007 Instructions for Form 941, 4th Quarter 2007 (Rev. October 2007), Employer's QUARTERLY Federal Tax Return

Major Changes, 4th quarter 2007

Page 1

1. A What's New has been added to highlight that a paid preparer must sign Form 941. Section 8246 of the Small Business and Work Opportunity Tax Act of 2007.
2. We deleted the "941TeleFile discontinued" paragraph under "Reminders".
3. The webpage references to Electronic Payments Options and Employment Taxes were updated.
4. The bulleted list under "Purpose of Form" was combined with the list under "Who Must File." The separate lists provided the same information.

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5. The EIN paragraph was revised to agree with the Instructions for Form SS-4.

Page 4

6. We have added "Department of the Treasury" to some of the filing addresses. The post office scanning equipment will not accept envelopes with two-line addresses. The What's New was updated.
7. In the "Where To File Chart", special rule was changed to special filing addresses and the capital letters were lower cased.

Page 5

8. The instructions for line 6b were updated to include references to Form 944.

Page 8

9. Part 6 was deleted to agree with the change to Form 941. All signature information is included in Part 5. A paid preparer paragraph was added.

**Description of Major Change to the 4th Quarter 2008 Form 941-SS,
Employer's QUARTERLY Federal Tax Return
(American Samoa, Guam, the Commonwealth of the Northern Mariana
Islands, and the U.S. Virgin Islands)**

Page 2

A paid preparer is now required to sign Form 941-SS for the 4th quarter of 2008. The paid preparer jurat has been added to taxpayer jurat in Part 5. The jurat is identical to the paid preparer jurat on Form 1040. Part 6 has been deleted. The paid preparer's section is now called *Paid preparer's use only* (to agree with Form 1040) and is a separate section within Part 5. Section 8246 of the Small Business and Work Opportunity Tax Act of 2007 and Notice 2008-13.

Page 5

The section 6109 requirement was revised to state filers and paid preparers are required to sign the return. Also, the divisions of government for which the tax information may be disclosed was expanded to include U.S. commonwealths and possessions. CC

Various punctuation and verbiage changes were made in accordance with Form 941, and to provide the tax return preparer with clearer guidance in completing the return.

**Description of Major Change to the 4th Quarter 2008 Instructions for Form
941-SS, Employer's QUARTERLY Federal Tax Return
(American Samoa, Guam, the Commonwealth of the Northern Mariana
Islands, and the U.S. Virgin Islands)**

Page 1

What's New

A paid preparer is now required to sign Form 941-SS, beginning with the 4th Quarter 2008 return. The paid preparer's section is now called *Paid preparer's use only* (to agree with Form 1040) and is a separate section within Part 5. The instructions have been revised to reflect this. Section 8246 of the Small Business and Work Opportunity Tax Act of 2007 and Notice 2008-13

Beginning in 2009, there will be a new process for adjusting employment tax returns. Information on this has been added here and as a caution on page 5.

Reminders

We confirmed Form 941-SS can be electronically filed, therefore added back the guidance that was last included in the January 2007 revision of these instructions. IRM 3.42.4.2.13.1 and www.irs.gov/efile

We added a reminder about the employer's liability if they contract with a third-party and the third party fails to perform an action. Requested by collection policy.

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A paid preparer is now required to sign Form 941-SS, beginning with the 4th Quarter 2008 return. The paid preparer's section is now called *Paid preparer's use only* (to agree with Form 1040) and is a separate section within Part 5. The instructions have been revised to reflect this.

**2007 Form 941, 4th Quarter 2007 (Rev. October 2007),
Employer's QUARTERLY Federal Tax Return**

Major Changes, 2nd Circulation

- 1.** A paid preparer is now required to sign Form 941 for the 4th quarter of 2007. The paid preparer jurat has been added to taxpayer jurat in Part 5. The jurat is identical to the paid preparer jurat on Form 1040. Part 6 has been deleted. The paid preparer's section is now called Paid Preparer's Use Only (to agree with Form 1040) and is a separate section within Part 5. Section 8246 of the Small Business and Work Opportunity Tax Act of 2007.
- 2.** The voucher instructions were modified to make it clear that Form 941-V should be used with any payment made with Form 941. Penalties may apply if Form 941 is filed late or the payment is \$2,500 or more. However, the voucher should be used even if a penalty may apply.