

SUPPORTING STATEMENT REG-11664-01 (TD 9300)

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Section 170 of the Internal Revenue Code (“Code”) permits tax deductions, within limits, for charitable contributions by individuals and corporations. Section 170 further provides that such deductions are allowable only if the charitable contributions are verified under regulations prescribed by the Secretary of the Treasury.

Section 1.170A-11(b)(1) of the income tax regulations states that under certain conditions, corporations may treat a charitable contribution as paid during a taxable year even if it actually occurs in the following taxable year. To claim this “accelerated” deduction for a given year, a corporation must certify (via a statement attached to its tax return) that the board of directors approved the contribution in that year. The temporary and proposed regulations slightly expand the content of the statement by requiring that it specify the date on which the board of directors authorized the contribution.

This document contains final regulations designed to eliminate regulatory impediments to the electronic filing of certain income tax returns and other forms. These regulations affect business taxpayers who file income tax returns electronically. This document also makes conforming changes to certain current regulations.

2. USE OF DATA

The collection of information is necessary in order for the Internal Revenue Service to administer the tax system properly and to help ensure compliance with the laws and regulations.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

We are offering electronic filing. The temporary and proposed regulations facilitate the electronic filing of tax returns and other forms. Accordingly, the regulations are designed to reduce the burdens associated with filing of paper forms. We plan to allow taxpayers to file electronically the statement described in paragraph one, as well as the income tax return with which that statement must

be submitted.

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

The collection of this information will not have a significant impact 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

On December 19, 2003, the IRS and Treasury published in the **Federal Register** (TD 9100, 2004-1 C.B. 297 [68 FR 70701]) temporary and final regulations modifying the regulations under sections 170, 556, 565, 936, 1017, 1368, 1377, 1502, 1503, 6038B and 7701 of the Internal Revenue Code. In the same issue of the **Federal Register**, the IRS and Treasury published a notice of proposed rulemaking (REG-116664-01, 2004-1 C.B. 319 [68 FR 70747]) proposing to amend regulations under the code sections noted in the previous sentence. The temporary, final, and proposed regulations published on December 19, 2003, are collectively referred to as the December 2003 Regulations. Final regulations (TD 9300, 71 FR 71040), were published on December 8, 2006.

In response to the Federal Register Notice dated. January 19, 2010

(75 FR 2932), we received no comments during the comment period regarding Reg-116664-01.

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

26 C.F.R. § 1.170A-11T(b)(2) provides that documentation which certain corporations had to submit with their Federal income tax returns shall now be retained in the tax records of such corporations. Specifically, current regulations require that when a corporation claims the “accelerated” tax deduction described above for charitable contributions, it must attach to its tax return a copy of the board of directors’ resolution authorizing the contribution. The temporary and proposed regulations eliminate this obligation, provided the corporation properly retains the resolution in its records.

The proposed and temporary regulations further provide that the supporting statement described in paragraph one above must identify the date on which the board of directors approved the relevant contribution. We estimate that approximately 1,000,000 respondents will provide this statement. The estimated annual burden for each taxpayer with respect to collecting and reporting this information on board of directors approval is 15 minutes. The total reporting burden is 250,000 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 January 19, 2010, requested public comments on estimates of cost 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.

OMB EXPIRATION DATE

We believe the public interest will be better served by not printing an expiration date on the form(s) in this package.

Printing the expiration date on the form will result in increased costs because of the need to replace inventories that become obsolete by passage of the expiration date each time OMB approval is renewed. Without printing the expiration date, supplies of the form could continue to be used.

The time period during which the current edition of the form(s) in this package will continue to be usable cannot be predicted. It could easily span several cycles of review and OMB clearance renewal. In addition, usage fluctuates unpredictably. This makes it necessary to maintain a substantial inventory of forms in the supply line at all times. This includes supplies owned by both the Government and the public. Reprinting of the form cannot be reliably scheduled to coincide with an OMB approval expiration date. This form may be privately printed by users at their own expense. Some businesses print complex and expensive marginally punched continuous versions, their expense, for use in their computers. The form may be printed by commercial printers and stocked for sale. In such cases, printing the expiration date on the form could result in extra costs to the users.

Not printing the expiration date on the form(s) will also avoid confusion among taxpayers who may have identical forms with different expiration dates in their possession.

For the above reasons we request authorization to omit printing the expiration date on the form(s) in this package.