

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
Supporting Statement - Information Collection Request

OMB Control Number 1513-0037

TTB F 5100.11 Withdrawal of Spirits, Specially Denatured Spirits, or Wines for Exportation

A. JUSTIFICATION

1. What are the circumstances that make this collection of information necessary and what legal or administrative requirements necessitate the collection? Also include the following: Align the information collection to Treasury's Strategic Goals, Line of Business/Sub-function, and IT Investment, if one is used.

The Internal Revenue laws, 26 U.S.C. 5214 and 5362, provide that spirits, denatured spirits, and wines may be withdrawn from internal revenue bonded premises, without payment of tax, for direct exportation, for transfer to a foreign trade zone, customs manufacturers bonded warehouse, or customs bonded warehouse, or for use as supplies on vessels or aircraft. TTB F 5100.11 is completed by exporters to report these types of removals.

If the exporter is also the proprietor of the bonded premises, from which the spirits or wines are to be removed, Part I of the form is completed as a "notice" of removal, and Parts II and IV of the form are left blank. If, however, the exporter is not the proprietor of the bonded premises, Part I becomes the "application" to remove the spirits or wines listed on the form. If the exporter's "application" is approved, a TTB officer completes Part II. The officer's signature is the proprietor's authorization, to remove the spirits or wines from the bonded premises, on behalf of the exporter. The application procedure allows TTB to determine, prior to removal, that the exporter has the bond required by 26 U.S.C. 5175 or 5362(c) and that the penal sum of that bond is sufficient to cover the tax liability on the goods being removed.

Parts V through VIII are reserved for the use of the person to whom the spirits or wines have been consigned. Generally this is a U.S. Customs officer or a warehouse proprietor. The part to be completed depends upon the nature of the removal, i.e. for direct export, for transfer to a foreign trade zone, for use as supplies on aircraft, etc.

The use of TTB F 5100.11 by exporters is prescribed in 27 CFR 28.92, 28.122, and 28.152.

This information collection is aligned with:

Treasury Strategic Goal: None.

Line of Business/Sub-function: General Government/Taxation Management.

IT Investment: None.

2. How, by whom and for what purpose is this information used?

As previously stated, the information provided on TTB F 5100.11 allows TTB to determine that exporters, of spirits and wines, possess the bonds required by law and regulations. In addition, the signatures in Parts V through VIII assure TTB that spirits and wines, removed from bonded premises without payment of tax for exportation, have in fact been exported and are, therefore, legitimate taxfree removals. An authorized signature on Page 2 of the form relieves the exporter of any further tax liability with respect to the items listed on Page 1 of the form.

At the time the spirits or wines are removed from bonded premises for exportation, one copy of TTB F 5100.11 is mailed to the appropriate TTB National Revenue Center (NRC) and one copy is delivered to the Customs or armed services officer to whom the shipment has been consigned. After inspecting the shipment and comparing it to the list of goods provided by the exporter in Part I of the form the Customs or armed forces officer enters his certification on Page 2 of the form and mails it, likewise, to the NRC.

The NRC specialist matches the two copies of TTB 5100.11 and notes any discrepancies between what was removed from bonded premises and what was certified as having been exported. In the case of a discrepancy, the specialist initiates action to collect the tax.

If TTB did not collect this information, it would have no reasonable means of protecting the potential tax liability that exists, with respect to spirits and wines, which are removed without payment of tax for exportation. The amount of this liability is significant.

3. To what extent does this collection of information involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology? What consideration is given to use information technology to reduce burden?

TTB has approved and will continue to approve, on a case-by-case basis, the use of improved information technology.

4. What efforts are used to identify duplication? Why can't any similar information already available be used or modified for use for the purposes described in Item 2 above?

TTB F 5100.11 collects information that is pertinent to each respondent and applicable to each taxfree removal of spirits and wine for exportation. As far as we can determine, similar information is not available any where else.

5. If this collection of information impacts small businesses or other small entities, what methods are used to minimize burden?

TTB believes that the information, required by TTB F 5100.11, is the minimum necessary to protect the revenue on taxfree removals of spirits and wines for exportation. To provide fewer data elements, for small businesses, would unnecessarily jeopardize the revenue.

6. What consequences to Federal program or policy activities and what, if any, technical or legal obstacles to reducing burden will occur if this collection is not conducted or is conducted less frequently?

Without this documentation, TTB would have no means available for verifying quantities of exported spirits or wine with the result of a potential significant loss in revenue.

7. Are there any special circumstances associated with this information collection that would require it to be conducted in a manner inconsistent with OMB guidelines?

There are no special circumstances associated with this information collection.

8. What effort was made to notify the general public about this collection of information? Summarize the public comments that were received and describe the action taken by the agency in response to those comments.

A 60-day Federal Register notice was published for this information collection on Thursday, September 29, 2011, 76 FR 60601. The notice solicited comments from the general public. TTB received no comments.

9. What decision was made to provide any payment or gift to respondents, other than reenumeration of contractors or grantees?

No payment or gift is associated with this collection.

10. What assurance of confidentiality was provided to respondents and what was the basis for the assurance in statute, regulations, or agency policy?

No specific assurance of confidentiality is provided. 26 U.S.C. 6103 protects the confidentiality of the information collected, except where noted.

11. What justification is there for questions of a sensitive nature?

We ask no questions of a sensitive nature.

12. What is the estimated hour burden of this collection of information?

Completion of this form should take the respondent an average of approximately one hour to complete. Prior experience indicates that 300 exporters complete these forms (50 distilled spirits exporters and 250 wine exporters). On the average each exporter completes 20 forms per year. Total burden hours are 6,000.

13. What is the estimated total annual cost burden to respondents or recordkeepers resulting from this collection of information (excluding the value of the burden hours in Question 12 above)?

No cost is associated with this collection.

14. What is the annualized cost to the Federal Government?

There is no annualized cost to the Federal Government.

15. What is the reason for any program changes or adjustments?

The form is being revised to add a 3rd page to serve as a continuation sheet for Section 10, Description of Spirits or Denatured spirits and Section 11, Containers and Description of Wines and Containers, if needed. Other information on the 3rd page will be automatically populated with information from page 1. No program changes or adjustments (burden) are associated with this submission.

16. Outline plans for tabulation and publication for collections of information whose results will be published.

We will not publish the results of this collection.

17. If seeking approval to not display the expiration date for OMB approval of this information collection, what are the reasons that the display would be inappropriate?

We will display the expiration date of OMB approval for this collection.

18. What are the exceptions to the certification statement?

- (c) See item 5 above
- (f) This is not a recordkeeping requirement
- (i) No statistics are involved
- (j) See item 3 above

B. Collections of Information Employing Statistical Methods.

This collection does not employ statistical methods.