

SUPPORTING STATEMENT
OMB No. 1545-2115
TD 9481

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Section 162(h)(3) of the Internal Revenue Code directs the Secretary of the Treasury to issue guidance to provide the time and manner for a taxpayer to make an election under section 162(h). The regulations provide that the procedure under which a taxpayer may make an election under section 162(h) is by attaching a statement to the taxpayer's income tax return for the taxable year at any time before the due date (including extensions) of the return.

2. USE OF DATA

The data collected will be used to determine a taxpayer's eligibility to make an election under section 162(h).

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

A taxpayer who files an income tax return electronically may file the information required under these regulations electronically with the 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

Not applicable.

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 March 31, 2008, a notice of proposed rulemaking (REG-119518-07) was published in the *Federal Register* (73 FR 16797). Written comments responding to the notice of proposed rulemaking were received. No public hearing was requested or held. After consideration of all the comments, the proposed regulations were adopted as TD 9481 (75 FR 17854).

In response to the *Federal Register* notice dated April 6, 2012, (77 FR 20883) we received no comments during the comment period regarding this regulation.

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 collection of information in these regulations is in § 1.162-24(e). The information will help the IRS determine if a taxpayer may make or revoke an election under section 162(h).

We estimate that there are 7,400 responses per year. We estimate that it will take an average of 30 minutes for each respondent. This results in a total burden estimate of 3,700 hours.

Estimates of the annualized cost to respondents for the hour burdens associated with the information collection are not available at this time.

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

As suggested by OMB, our *Federal Register* notice dated April 6, 2012, 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 these 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 total burden at this time. This submission is for renewal purposes only.

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.