

SUPPORTING STATEMENT

Form 14417 - Reimbursable Agreement - Non-Federal Entities

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

The authority to perform services on a cost reimbursable basis is contained in sections 6103 (p) and 6108 (b) of the IRC. The IRS enters into cost reimbursable agreements to provide services to federal and non-federal entities.

Form 14417 is replacing the form that the IRS has been using for all non-federal agreements, Agreement Covering Reimbursable Services (Form 5181), which expires October 1, 2012.

Section 6103(p) (4) of the Internal Revenue Code (IRC) provides specific requirements for federal, state, and local organizations to safeguard federal tax returns and return information as a condition of receiving the information. IRS Publication 1075, Tax Information Security Guidelines for Federal, State, and Local Agencies (OMB No. 1545-0962) provides additional guidelines.

Section 7213 of the IRC makes unauthorized disclosure of return information a felony punishable by a fine not to exceed \$5,000 or imprisonment of not more than 5 years, or both, together with the costs of prosecution. Section 7213A makes unauthorized inspection of a return or return information punishable by a fine up to \$1,000, or imprisonment of not more than one year, or both, together with the costs of prosecution. Section 7431 makes persons who knowingly or negligently make an unauthorized disclosure of a return or return information liable for civil damages.

2. USE OF DATA

The IRS needs the requesting entity's contact information, taxpayer identification number (TIN), or employee identification number (EIN), the search of vendor data under the Dun and Bradstreet Universal Numbering System (DUNS), and the requester's agreement ratification signature to execute the agreement.

The IRS uses the requesting entity's billing address, taxpayer identification number (TIN) or employee identification number (EIN) and the Dun and Bradstreet Universal Numbering System (DUNS) data collection to process the advance payment check and to account and reconcile costs of completed services during the life of the reimbursable agreement.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

There are no plans to provide electronic filing because electronic filing is not appropriate for the collection of information in this submission.

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 burden is minimal.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES

We would not be able to execute reimbursable agreements without collecting this information, which means that we would have to stop performing services for non-federal entities. Based on the unique mission of the IRS, we are often the only organization that could provide these services.

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

The IRS collects this data at the time it negotiates the agreement with the non-federal entity. The data released to non-federal entities under this form is cleared in advance through the IRS Privacy, Governmental Liaison, and Disclosure Office.

We are requesting approval on an emergency basis. We will publish a 60-day Federal Register notice once approval is granted to solicit public comments.

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 IRS enters into approximately 300 non-federal agreements with state and local governments, foreign governments, commercial organizations, and private businesses.

The form will be available for download from IRS.gov to reduce paperwork burden potential and save time and effort. The requesting entity or Buyer completes the program contact information section, the requested services section, the Buyer's finance office information section, including the requester's TIN and DUNS number, the payment method section, and signs the form authorizing payment in advance.

Form 14417 is 2.5 pages long, has a Legal Terms and Conditions section, and a 2.5 page instructions section. The form takes from 15-30 minutes to complete depending upon the requesting entity, with an annual burden of about 150 hours for all customers. State, local, and foreign government levels tend to request information throughout the year and are familiar with the form while commercial organizations and private businesses may request services sporadically, and take more time.

Total annual burden for this information collection is approximately 150 hours.

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

This form is similar to the one used for federal interagency agreements, and includes the collection of billing and accounting information needed to execute a cost reimbursable agreement for services from the IRS. The cost burden would be minimal.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The estimated annualized cost to the IRS to maintain and populate these forms is \$80,000. This is a direct labor cost. This cost is necessary to ensure proper internal controls over administration and oversight of reimbursable agreements.

15. REASONS FOR CHANGE IN BURDEN

This is an emergency submission of an existing form in use without an OMB control number.

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 form expires as of the expiration date. Taxpayers are not likely to be aware that the Service intends to request renewal of 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.

EMERGENCY JUSTIFICATION

We ask that this form be cleared under an emergency submission in the next 1-2 weeks for the following reasons:

During 4th quarter, the FY 2013 non-federal agreements are developed and customers and IRS finance offices across the nation are waiting for this form to be approved. IRS has scheduled the training of service-wide finance offices on the use of this form and we would like to make it available to them and their customers for use.