

SUPPORTING STATEMENT
(REG-208274-86)
Information Reporting by Passport Applicants
OMB No. 1545-1359

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

This document contains proposed amendments to 26 CFR part 301 under section 6039E of the Internal Revenue Code. Section 6039E provides rules concerning information reporting by U.S. passport and permanent resident applicants, and requires specified Federal agencies to provide certain information to the IRS. These amendments provide information reporting rules for certain passport applicants and do not provide rules for individuals applying to become permanent residents.

- The proposed regulations set forth rules concerning information reporting by passport applicants under section 6039E. Section 301.6039E–1(a) requires an individual applying for a U.S. passport (passport applicant), other than an individual who applies for an official passport, diplomatic passport or passport for use on other official U.S. government business, to provide certain information with his or her passport application.
- Section 301.6039E–1(b)(1) describes the required information to be provided by passport applicants: The applicant’s full name and, if applicable, previous name; address of regular or principal place of residence within the country of residence and, if different, mailing address; taxpayer identifying number (TIN); and date of birth. Section 301.6039E–1(b)(2) provides that the required information must be submitted with the passport application, regardless of where the applicant resides at the time it is submitted.
- Section 301.6039E–1(c) provides guidance on the circumstances under which the IRS may impose a \$500 penalty amount on any passport applicant who fails to provide the required information.

Section 301.6039E–1 is proposed to be applicable to passport applications submitted after the date of publication of the Treasury decision adopting these rules as final regulations in the *Federal Register*.

2. USE OF DATA

The information is required by individuals who apply for a United States passport or a renewal of a United States passport. The information provided by passport applicants will be used by the IRS for tax compliance purposes.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

IRS Publications, Regulations, Notices and Letters are to be electronically enabled on an as practicable basis in accordance with the IRS Reform and Restructuring Act of 1998.

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

A notice of proposed rulemaking (REG–208274–86) was published in the *Federal Register* on December 24, 1992, at 57 FR 61373, under section 6039E. The 1992 proposed regulations provided guidance for both passport and permanent resident applicants to comply with information reporting rules under section 6039E. No requests were received to testify on the 1992 proposed regulations and, accordingly, no public hearing was held. One written comments was received recommending modification of a form that is no longer in use and therefor was not considered in drafting these regulations.

These proposed regulations do not provide rules concerning information reporting by individuals applying to become permanent residents; therefore such individual are not within the scope of the proposed regulations and also withdraws the 1992 proposed regulations.

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 proposed regulations is in § 301.6039E-1(b) and requires individuals who apply for a U.S. passport or a renewal of a U.S. passport to provide certain information as prescribed by this section.

No. Respondents	No. Responses Per Respondent	Annual Responses	Hours Per Response	Total Burden
12,133,537	1	12,133,537	0.1	1,213,357

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

The notice of proposed rulemaking (REG-208274-86) published January 26, 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. 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

The burden associated with the information collection requirements of section 6039E was originally created in 1992 associated with an NPRM (December 24, 1992 @ 57 FR 61373). The NPRM contained proposed regulations implementing section 6039E of the Code to require applicants for passports and permanent resident report certain information related to the administration of the tax law. On January 26, 2012 (77 FR 3964) the 1992 NPRM was withdrawn and a new NPRM issued. The 2012 NPRM provided information report rules for certain passport applicants and removed rules concerning information report by individuals applying to become permanent residents (green card holders). Because the burden associated with the 1992 NPRM was never implemented and later withdrawn, we discontinue OMB No. 1545-1359 in January 2013. We wish to retain the OMB number

originally assigned to the 1992 NPRM, so we are reinstating OMB No. 1545-1359 at this time to covering the information collection requirements contained in this proposed regulation.

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 regulation sunsets 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.