

**OMB No. 1545-2146**  
**SUPPORTING STATEMENT**  
**Form 8928**  
**TD 9457 (Final)**

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

The Form 8928 is used for payment of the section 4980B excise tax (as well as other excise taxes under chapter 43).

This collection of information results from the requirements under TD 9457 to file a return for the payment of the excise taxes under section 4980B, 4980D, 4980E and 4980G. The final regulations provide the requirement for filing of the return and the time for filing.

The ARRA provides for a premium reduction for COBRA continuation coverage elected by certain individuals as the result of an involuntary termination of employment. The failure to provide COBRA continuation coverage upon partial payment is a failure to satisfy the COBRA requirements, resulting in the imposition of the excise tax under section 4980B. However, currently there is no IRS Form or mechanism for the payment and reporting of the excise tax under section 4980B. These final regulations resolve that issue by providing a method and manner for the payment and reporting of the excise tax.

2. USE OF DATA

The information will be used for payment and reporting of the excise taxes under section 4980B, 4980D, 4980E and 4980G.

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

We have attempted to minimize burden on small businesses wherever possible.

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

The excise tax under *section 4980B, 4980D, 4980E or 4980G* must be paid at the time prescribed for filing of the excise tax return (without extensions). With respect to the excise tax under *section 4980B or 4980D* for employers and third parties such as insurers or third party administrators, the return is due on or before the due date for filing the person's federal income tax return. An extension to file the person's income tax return does not extend the date for filing Form 8928. Therefore, reporting of excise tax would not be made timely.

7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

There are no special circumstances requiring data collection to be inconsistent with guidelines in 5CFR 1320.

8. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

Periodic meetings are held between IRS personnel and representatives of various professional groups to discuss tax law and tax forms. During these meetings, there is an opportunity for those attending to make comments regarding the collection requirements under this form.

In response to the Federal Register notice dated August 22, 2012 (77 FR 50763), we received no comments during the comment period regarding Form 8928.

The final regulations TD 9457 published September 8, 2009 (74 FR 45994) retain the proposed regulations with certain minor modifications.

Our *Federal Register* notice dated May 19, 2015 (80 FR 28764), requested public comments concerning public burden. No public comment was received.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

No payment or gifts are being provided to respondents.

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

No sensitive information is being requested.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

The collection of information in these final regulations is in §54.6011-2. The collections of information results from the requirement to file a return for the payment of the excise tax under section 4980B, 4980D, 4980E, or 4980G of the Code.

The Form 8928 is used for payment of the section 4980B excise tax, as well as other excise taxes under chapter 43.

Form	Number of Responses	Time per Response	Total Hours
8928	100	23 hrs., 29 min.	2,348

There are no changes to the burden previously approved by OMB for Form 8928.

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There is no estimated total annual cost burden to respondents.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

\$25,000 Printing cost.

15. REASONS FOR CHANGE IN BURDEN

The decrease of 152 burden hours is an adjustment to align Form 8928 (OMB No. 1545-2148) with the prescribing regulations (OMB # 1545-2146). This revision will eliminate double counting of burden hours. OMB control number 1545-2148 will be discontinued.

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

There is no plan for tabulation, statistical analysis and publication.

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

There is no exception to the certification statement.

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.