

SUPPORTING STATEMENT
Internal Revenue Service
Declaration and Signature for Electronic and Magnetic Media Filing
Forms: 8453-FE, 8453-EMP, 8879-F and 8879-EMP
OMB Control Number **1545-0967**

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Internal Revenue Code (IRC) Section 6061, states any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary. Code of Federal Regulations (CFR) Section 301.6061-1(b) authorizes the Secretary to prescribe in forms, instructions, or other appropriate guidance the method of signing any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations.

IRC Section 6012 defines the persons required to make returns of income. CFR Section 1.6012-5 authorizes the use, at the option of a person required to make a return, of a composite return in lieu of any form specified in 26 CFR Part 1 (Income Tax), subject to such conditions, limitations, and special rules governing the preparation, execution, filing, and correction thereof as the Commissioner may deem appropriate.

Form 8453-FE, U.S. Estate or Trust Declaration for IRS e-file Return is used to authenticate the electronic Form 1041, U.S. Income Tax Return for Estates and Trusts, authorize the electronic filer to transmit via a third-party transmitter, and authorize an electronic fund withdrawal for payment of federal taxes owed.

Form 8453-EMP, Employment Tax Declaration for an IRS e-file Return is used to authenticate an electronic employment tax form, authorize the electronic return originator (ERO), if any, to transmit via a third-party transmitter; authorize the intermediate service provider (ISP) to transmit via a third-party transmitter if filed online (not using an ERO), and provide the taxpayer's consent to authorize an electronic funds withdrawal for payment of federal taxes owed.

Form 8879-EMP, IRS e-file Signature Authorization for Forms 940, 940-PR, 941, 941-PR, 941-SS, 943, 943-R, 944, and 945 is used if a taxpayer and the electronic return originator (ERO) want to use a personal identification number (PIN) to electronically sign an electronic employment tax return. It is also used to authorize an electronic funds withdrawal, enable an ERO to file and sign electronically.

Form 8879-F, IRS e-file Signature Authorization for Form 1041 provides e-file signature authorization for Form 1041 to foster IRS policy promoting e-filing of returns. The form is used by an electronic return originator (ERO) when the fiduciary wants to use a personal identification number (PIN) to electronically sign an estate's or trust's electronic income tax return, and if applicable consent to electronic funds withdrawal.

2. USE OF DATA

Form 8453-FE and 8879-F conveys to the Service the signature of the taxpayer, fiduciary, or/and the preparer when the return is filed on magnetic tape or electronically. The forms include data which is also on the return. The purpose is to provide a linkage between the signatures and the electronic returns and enables the Service to verify the authenticity of a return by matching the data on the declaration with the corresponding data on the electronic return. Also, in the event of a dispute, the Service can prove that the data contained on the electronic transmission constituted the return the taxpayer(s) intended to file by this same matching.

Form 8453-EMP and 8879-EMP are used to authenticate an electronic employment tax form, authorize the electronic return originator (ERO), to transmit via a third-party transmitter; authorize the intermediate service provider (ISP) to transmit via a third-party transmitter if filed online (not using an

ERO), and provide the taxpayer's consent to authorize an electronic funds withdrawal for payment of federal taxes owed.

The data will be used to verify and affirm the return for the taxpayer's signature. This process would allow CI, Exam, Audit and other employees who have a need for the signature document to have immediate access to the information instead of having to request it and wait for someone to manually search, find, and copy/fax/mail the document to them. With the current PIN registration system, some filers expressed confusion as to who the signer should be. Because of the confusion, a large percentage of the PIN requests received are rejected. By using these forms, the Service can offer very specific instructions for who is legally allowed to sign the return thus further reducing filer burden and potential fraud_

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

Form 8879-F is not filed with the IRS unless requested to do so. Electronic filing for Form 8453-EMP and Form 8453-FE is currently available. 8879-EMP enables an electronic return originator (ERO) to file and sign electronically (don't send to IRS unless requested).

4. EFFORTS TO IDENTIFY DUPLICATION

The information obtained through this collection is unique and is not already available for use or adaptation from another source.

5. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES

The IRS proactively works with both internal and external stakeholders to minimize the burden on small businesses, while maintaining tax compliance. The Agency also seeks input regarding the burden estimates from the public via notices and tax product instructions. The impact this information collection will have on small business will be minimal if any. The forms requested by the IRS can be filed electronically, which further reduces any burden to small businesses.

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

A less frequent collection on federal programs would result in the IRS unable to verify authenticity of a return by matching the data on the declaration with the corresponding data on the electronic return for purposes of Section 301.6061-1(b) and section 6012-5, and whether data to verify and affirm the return for the taxpayer's signature are authentic; thereby endangering the IRS to meet its mission.

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 5 CFR 1320.5(d)(2).

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

We received no comments during the comment period in response to the *Federal Register* notice dated March 29, 2021, 86 FR 16443.

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

No payment or gift has been provided to any 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

A privacy impact assessment (PIA) has been conducted for information collected under this request as part of the "Business Master File (BMF)" system and a Privacy Act System of Records notice (SORN) has been issued for this system under IRS 24.046-Customer Account Data Engine Business Master File. The Internal Revenue Service PIAs can be found at <https://www.irs.gov/uac/Privacy-Impact-Assessments-PIA>.

Title 26 USC 6109 requires inclusion of identifying numbers in returns, statements, or other documents for securing proper identification of persons required to make such returns, statements, or documents and is the authority for social security numbers (SSNs) in IRS systems.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

Burden estimate as follows:

Authority	Description	# of Respondents	# Responses per Respondent	Annual Responses	Hours per Response	Total Burden
IRC 301. 6061-1(b) and 1.6012-5	Form 8453-EMP	8,538,400	1	8,538,400	2.39	20,406,776
1.6012-5	Form 8453-FE	2,150,000	1	2,150,000	3.08	6,622,000
1.6012-5	Form 8879-EMP	8,538,400	1	8,538,400	2.88	24,590,592
1.6012-5	Form 8879-F	1,774,081	1	1,774,081	1.22	2,164,379
Totals		21,000,881		21,000,881		53,783,747

Please continue to assign OMB number 1545-0967 to thesis regulations.

1.6012-5
303.6061-1

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

To ensure more accuracy and consistency across its information collections, IRS is currently in the process of revising the methodology it uses to estimate burden and costs. Once this methodology is complete, IRS will update this information collection to reflect a more precise estimate of burden and costs.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

To ensure more accuracy and consistency across its information collections, IRS is currently in the

process of revising the methodology it uses to estimate burden and costs. Once this methodology is complete, IRS will update this information collection to reflect a more precise estimate of burden and costs. At the present time, the IRS estimates an annual cost of printing to be \$ 103,616.

Product	<u>Labor & Downstream Impact Costs</u>	<u>Print & Shipping Costs</u>	<u>Government Cost Estimate per Product</u>
8879-F	\$ 42,649	\$ 0	\$ 42,649
8453-FE	\$ 39,095	\$ 0	\$ 39,095
8453-EMP	\$ 10,936	\$ 0	\$ 10,936
8879-EMP	\$ 10,936	\$ 0	\$ 10,936
Grand Total	\$ 103,616	\$ 0	\$ 103,616

15. REASONS FOR CHANGE IN BURDEN

There are no changes being made to the burden previously approved.

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	21,000,881	0	0	0	0	21,000,881
Annual Time Burden (Hr)	53,783,747	0	0	0	0	53,783,747

This submission is being made for renewal purposes.

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

There are no plans for tabulation, statistical analysis and publication.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

IRS believes that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the form 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

There are no exceptions are 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.