

SUPPORTING STATEMENT  
Internal Revenue Service  
Form 8849, Claim for Refund of Excise Taxes

OMB Control Number 1545-1420

**1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION**

Internal Revenue Code (IRC) sections 6402, 6404, and 6511, and Treasury Regulations sections 301.6402-2, 301.6404-1, and 301.6404-3 allow taxpayers to claim refunds of taxes (other than income taxes) which were illegally, erroneously, or excessively collected, and to claim a credit, refund, or abatement of interest, penalties, or additions to tax resulting from certain actions by the IRS.

Form 8849 and its associated schedules are used to claim refunds of certain excise taxes. See IRS Publications 225 and 510 in supplementary documents for additional information on excise taxes.

**2. USE OF DATA**

The information supplied on Form 8849 is used by the IRS to determine the accuracy of the claim filed.

**3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN**

The Excise Tax e-File and Compliance (ETEC) initiative allows electronic filing of Form 8849 and its schedules.

**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 collection of information requirement will not have a significant economic impact on a substantial number of small entities.

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

The information supplied on Form 8849 is used by the IRS to determine the accuracy of the claim filed. The claim's accuracy could not be confirmed with a less frequent collection and could hinder the IRS from meeting 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 (86 FR 49094), dated September 1, 2021.

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

No gifts or payments are being provided to any respondents.

**10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES**

Generally, tax returns and tax return information are confidential as required by 26 U.S.C. 6103.

**11. JUSTIFICATION OF SENSITIVE QUESTIONS**

A privacy impact assessment (PIA) has been conducted for information collected under this request as part of the "Excise Files Information Retrieval System, ExFIRS" and a Privacy Act System of Records notice (SORN) has been issued for these systems under Treasury/IRS 22.062 - Electronic Filing Records and Treasury/IRS 42.002 - Excise Compliance Programs. The Internal Revenue Service PIAs can be found at <https://www.irs.gov/privacy-disclosure/privacy-impact-assessments-pia>.

Title 26 U.S.C. 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**

IRC sections 6402, 6404, and 6511, and their associated regulations require taxpayers to claim a refund of certain excise taxes on Form 8849 and its associated schedules. The IRS anticipates that there will be 48,800 respondents annually, for a total estimated burden of 254,922 hours annually. The estimated burden for all taxpayers who file these forms is shown below.

Authority	Description	# of Respondents	# Responses per Respondent	Annual Responses	Hours per Response	Total Burden
IRC 6404, 6402, 6511	Form 8849	24,400	1	24,400	4.21	102,724
IRC 6404, 6402, 6511	Form 8849 Schedule 1	811	1	811	20.86	16,917
IRC 6404, 6402, 6511,	Form 8849 Schedule 2	2,613	1	2,613	11.91	31,121
IRC 6426, 6427, Notice 2018-21 P.L. 115-123	Form 8849 Schedule 3	1,646	1	1,646	7.49	12,329
IRC 6404, 6402, 6511	Form 8849 Schedule 5	78	1	78	3.85	300
IRC 6404, 6402, 6511	Form 8849 Schedule 6	19,113	1	19,113	4.75	90,787
IRC 6404, 6402, 6511	Form 8849 Schedule 8	139	1	139	5.35	744
Totals		48,800		48,800		254,922

The following regulations impose no additional burden. Please continue to assign OMB No. 1545-1420 to these regulations.

41.4481-1	48.6427-10	301.6404-3
44.6419-1	48.6427-11	301.6405-1
44.6419-2	53.4961-2	301.6511(a)-1
48.4081-7	53.4963-1	301.6511(b)-1
48.6420-2	301.6402-2	301.6511(f)-1
48.6421-3	301.6403-1	
48.6427-3	301.6404-1	

**13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS**

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

**14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT**

The Federal government cost estimate is based on a model that considers the following three cost factors for each information product: aggregate labor costs for development, including annualized start-up expenses, operating and maintenance expenses, and distribution of the product that collects the information. These costs do not include any activities such as taxpayer assistance and enforcement.

The government computes cost using a multi-step process. First, the government creates a weighted factor for the level of effort to create each information collection product based on variables such as complexity, number of pages, type of product and frequency of revision. Second, the total costs associated with developing the product such as labor cost, and operating

expenses associated with the downstream impact such as support functions, are added together to obtain the aggregated total cost. Then, the aggregated total cost and factor are multiplied together to obtain the aggregated cost per product. Lastly, the aggregated cost per product is added to the cost of shipping and printing each product to IRS offices, National Distribution Center, libraries and other outlets. The result is the Government cost estimate per product.

The government cost estimate for this collection is summarized in the table below.

Product	Aggregate Cost per Product (factor applied)		Printing and Distribution		Government Cost Estimate per Product
Form 8849 and Instructions	\$20,505	+	0	=	\$20,505
Form 8849 Sch 1 and Instructions	\$26,656		0		\$26,656
Form 8849 Sch 2 and Instructions	\$28,560	+	0	=	\$28,560
Form 8849 Sch 3 and Instructions	\$20,505	+	0	=	\$20,505
Form 8849 Sch 5 and Instructions	\$17,576	+	0	=	\$17,576
Form 8849 Sch 6	\$22,848	+	0	=	\$22,848
F8849 Sch 6 Instructions	\$13,328	+	0	=	\$13,328
Form 8849 Sch 8 and Instructions	\$22,848	+	0	=	\$22,848
Grand Total	\$172,827		0		\$172,827
Table costs are based on 2021 actuals obtained from IRS Chief Financial Office and Media and Publications					

#### 15. REASONS FOR CHANGE IN BURDEN

There are no material changes in the paperwork burden previously approved by OMB. However, the burden for Form 8849 and its schedules has decreased due to better estimates based on the number of taxpayers filing the forms and per response burden for filing each form. This decreases the burden by 62,347 responses and 691,905 hours due to adjustment in Agency Estimates.

	Total Approved	Change Due to New Statute	Change Due to Agency Discretion	Change Due to Adjustment in Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	48,800	0	0	-62,347	0	111,147
Annual Time Burden (Hr)	254,922	0	0	-691,905	0	946,827

#### 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

The IRS believes that displaying the OMB expiration date is inappropriate because it could cause

confusion by leading taxpayers to believe that the forms sunset as of the expiration date. Taxpayers are not likely to be aware that the IRS 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.

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.