

SUPPORTING STATEMENT

Internal Revenue Service
Request for Taxpayer Advocate Service Assistance
(And Application for Taxpayer Assistance Order)
OMB# 1545-1504

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

As part of the Technical and Miscellaneous Revenue Act of 1988 (TAMRA), the “Omnibus Taxpayer Bill of Rights” amended subchapter A of chapter 80 of the 1986 Code by adding Section 7811 “Taxpayer Assistance Orders” to provide that the Taxpayer Ombudsman (Taxpayer Advocate) and Taxpayer Advocate Service may issue Taxpayer Assistance Orders to stop or change IRS actions that cause significant hardship to taxpayers. IRS Form 911 and Form 911(SP) are used by taxpayers when applying for a Taxpayer Assistance Order.

Form 911, *Request for Taxpayer Advocate Service Assistance (and Application for Taxpayer Assistance Order)*, and Form 911(SP), *Solicitud de Ayuda del Servicio del Defensor del Contribuyente (Y Solicitud de la Orden de Asistencia al Contribuyente)*, are used by taxpayers (or representative) to apply for relief from a significant hardship which may have already occurred or is about to occur if the IRS takes or fails to take certain actions.

2. USE OF DATA

These forms are used by taxpayers (or representative) to apply for relief from a significant hardship which may have already occurred or is about to occur if the IRS takes or fails to take certain actions. The Internal Revenue Service will use this information to determine whether the taxpayer is suffering or about to suffer a significant hardship. If there is a significant hardship, the Taxpayer Advocate Service decides whether the IRS action should be changed.

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

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

As part of the Technical and Miscellaneous Revenue Act of 1988 (TAMRA), the “Omnibus Taxpayer Bill of Rights” amended subchapter A of chapter 80 of the 1986 Code by adding Section 7811 “Taxpayer Assistance Orders” to provide that the Taxpayer Ombudsman (Taxpayer Advocate) and Taxpayer Advocate Service may issue Taxpayer Assistance Orders to stop or change IRS actions that cause significant hardship to taxpayers. A less frequent collection could affect federal programs or policy activities and result in an increase of significant hardships on taxpayers.

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

Periodic meetings are held between IRS personnel and representatives of the American Bar Association, the National Society of Public Accountants, the American Institute of Certified Public Accountants, and other professional groups to discuss tax law and tax forms. During these meetings, there is an opportunity for those attending to make comments regarding these regulations.

In response to the Federal Register notice dated August 24, (86 FR 47367), we received two comment letters during the comment period regarding these forms. A letter from the American Bar Association (ABA) made a “single recommendation: to provide a checkbox and related instructions on Form 911 specifically pertaining to taxpayer requests for an “Offset Bypass Refund” (“OBR”), and expedited procedures for handling a Form 911 where the checkbox is checked. We are limiting our comments to this single issue to highlight its critical importance.”

A comment letter, from the Legal Services Center of Harvard Law School (LSC), encouraged the IRS to consider 10 changes to Form 911:

1. Form 911 Should Include an “Important Things to Know” Section.
2. Box 1 Should Request “Taxpayer Name” Instead of “Your Name”.
3. Box 2a Should Indicate When Spousal Information is Required.

4. Boxes 6 and 7 Should be Moved Below Boxes 8, 9, 10, and 11.
5. Box 8 Should Replace “Section II” with “authorized representative.”
6. Box 12a Request for Information Should Provide More Specific Guidance.
7. Box 12b Instructions Should Provide More Specific Guidance About Types of Relief Offered.
8. Box 14a Should Indicate When Spousal Signature is Required.
9. Section III Should Be Removed from Form 911.
10. Where and How to File Should Be Made Easier and Clearer.

This comment letter concluded, “These changes should be adopted because they require minimal burden on the IRS and provide a large benefit to taxpayers. The changes may take up some additional space on the form, and therefore may require some reconfiguration of the current form. However, the increased clarity will ensure that taxpayers follow through on filing the form, increasing their likelihood of being assisted by the TAS.”

The comment letters were forwarded to the originating office for review and consideration. The attached briefing summarizes the agency response to these suggestions. There are also plans to update the Form 911, as necessary. Any changes to the form will not occur until the next form’s revision cycle.

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

There are no special circumstances requiring data collection to be inconsistent with Guidelines in 5 CFR 1320.5(d)(2).

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26USC 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

A privacy impact assessment (PIA) has been conducted for information collected under this request as part of the “Taxpayer Advocate Management Information System” and a Privacy Act System of Records notice (SORN) has been issued for these systems under IRS 00.003 – Taxpayer Advocate Service and Customer Feedback; IRS 34.037 - IRS Audit Trail and Security Records System. The Internal Revenue Service PIA’s 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

Form 911 and Form 911(SP) are used by taxpayers (or representative) to apply for relief from a significant hardship which may have already occurred or is about to occur if the IRS takes or fails to take certain actions. The burden estimates are as follows:

Authority	Description	# of Respondents	#Responses per Respondent	Annual Responses	Hours per Response	Total Burden
7811	Form 911, Form 911(SP)	93,000	1	93,000	.50	46,500
Total		93,000		93,000	.50	46,500

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

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 startup expenses, operating and maintenance expenses, and distribution of the product that collects the information.

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 911	5,000	+	0	=	5,000
Instructions 911	-		-	=	
Form 911(SP)	2,500		0		2,500
Instructions 911(SP)	-		-		
Grand Total	7,500				7,500

15. REASONS FOR CHANGE IN BURDEN

There is no change in the paperwork burden previously approved by OMB. We are making this submission to renew the OMB approval.

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 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 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.