

SUPPORTING STATEMENT
Internal Revenue Service (IRS)
Declaration and Signature for Electronic and Magnetic Media Filing
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. Treasury Regulations 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. Treasury Regulations 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-EG, *E-file Declaration for Forms 709 and 709-NA*, is used to authenticate an electronic Form 709 and 709-NA, 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 donor's consent to authorize an electronic funds withdrawal for payment of federal taxes owed.

Form 8453-WH, *E-file Declaration for Form 1042*, is used to authenticate an electronic Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons, authorize the ERO, if any, to transmit via a third-party transmitter, authorize the 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-EG, *E-file Authorization for Forms 709 and 709-NA*, is used for electronic signature authorizations for Form 709, or Form 709-NA. A donor and an electronic return originator (ERO) use Form 8879-EG when the donor wants to use a personal identification number (PIN) to electronically sign a gift tax return and, if applicable, consent to electronic funds withdrawal.

Form 8879-WH, *E-file Authorization for Form 1042*, is used when a withholding agent and the ERO want to use a PIN to electronically sign an electronic employment tax return and, if applicable, consent to electronic funds withdrawal.

2. USE OF DATA

The data will be used to verify and authenticate the taxpayer's signature and tax return information when the return is electronically filed, as well as the identity of the ERO, ISP, or paid preparer. The information will also be used to facilitate electronic funds withdrawal for payment of taxes owed, if applicable and authorized.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

Electronic filing is currently available for Form 8453-WH. The ERO must retain Forms 8879 and submit them to the IRS upon request. IRS is developing the availability of electronic filing for Form 8453-EG.

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

A less frequent collection would not allow the IRS to verify authenticity of a return by matching the data on the declaration with the corresponding data on the electronic return for purposes of Treasury Regulations sections 301.6061-1(b) and 6012-5, or to verify and authenticate the taxpayer's signature on the return. This would result in the inability of 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 public comment period in response to the Federal Register notice (89 FR 82304), dated October 10, 2024.

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 U.S.C. 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

Privacy impact assessments (PIA) have been conducted for information collected under this request, and Privacy Act System of Records notices (SORN) have been issued for the following

systems: Treasury/IRS 22.062-Electronic Filing Records; Treasury/IRS 24.046-Customer Account Data Engine Business Master File; and Treasury/IRS 34.037-IRS Audit Trail and Security Records System. The Department of Treasury 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 6012 and 6061, and Treasury Regulations sections 1.6012-5 and 303.6061-1 require taxpayers, EROs, ISPs, and paid preparers to disclose information OR keep records. The IRS anticipates that there will be 226,400 respondents annually, with a total annual burden of 450,520 hours.

Description	# of Respondents	# Responses per Respondent	Annual Responses	Hours per Response	Total Burden Hours
Form 8453-EG	61,750	1	61,750	1.51	93,243
Form 8453-WH	51,450	1	51,450	2.18	112,161
Form 8879-EG	61,750	1	61,750	1.98	122,665
Form 8879-WH	51,450	1	51,450	2.38	122,451
Totals	226,400		226,400		450,520

The following regulations impose no additional burden. Please continue to assign OMB number 1545-0967 to these regulations.

1.6012-5
303.6061-1

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

From our Federal Register notice, dated October 11, 2022, no public comments on the estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information were received. However, 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 startup 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 8453-EG	\$20,135	+	\$0	=	\$20,135
Form 8453-WH	\$19,417	+	\$0	=	\$19,417
Form 8879-EG	\$20,135	+	\$0	=	\$20,135
Form 8879-WH	\$19,417	+	\$0	=	\$19,417
Grand Total	\$79,104	+	\$0	=	\$79,104
Table costs are based on 2023 actuals obtained from IRS Chief Financial Officer and Media and Publications					
* New product costs will be included in the next collection update.					

15. REASONS FOR CHANGE IN BURDEN

Form 8453-EMP, 8453-FE, 8879-EMP and 8879-F are being removed from this package to avoid double counting the burden associated with these forms as they are approved under 1545-0029 and 1545-0092. This represents a reduction in 21,000,881 responses annually with a total annual burden of 53,783,747 hours.

Forms 8453-EG and 8879-EG were developed to enable electronic filing of Form 709 and 709-NA. This increases the burden by 123,500 responses and 215,908 hours.

	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	226,400	0	(20,877,381)	0	0	21,103,781
Annual Time Burden (Hr.)	450,520	0	(53,567,839)	0	0	54,018,359

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 form expires 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 to the certification statement.