

## **1SUPPORTING STATEMENT**

Internal Revenue Service  
Practice Before the Internal Revenue Service  
OMB Control Number **1545-1726**

### **Changes since previous OMB approval**

The purpose of this submission is to renew and consolidate the related collections under one approval number. This collection of information is authorized by 26 USC 7805 and 31 USC 330, and covers collections for a tax practitioners, enrolled agents, enrolled retirement plan agents, continuing education providers, and annual filing season program participants.

### **1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION**

Section 330 of title 31 of the United States Code authorizes the Secretary of the Treasury to regulate the practice of representatives of persons before the Treasury Department (Treasury). It also authorizes the Secretary to require, before admitting a representative to practice (except for attorneys and certified public accountants described in 5 U.S.C. 500), that the representative demonstrate that they have good character and reputation, qualifications necessary to provide valuable service to persons represented, and competency to advise and assist persons in presenting their cases. The Secretary has published regulations governing practice before the Internal Revenue Service (IRS) in 31 CFR part 10 and reprinted the regulations as Treasury Department Circular No. 230 (Circular 230).

Circular 230 contains rules governing the recognition of attorneys, certified public accountants, enrolled agents, enrolled retirement plan agents, and other persons representing taxpayers before the IRS. Subpart A sets forth rules relating to the authority to practice before the Internal Revenue Service and includes rules for continuing education providers and programs; subpart B prescribes the duties and restrictions relating to such practice; subpart C prescribes the sanctions for violating the regulations; subpart D contains the rules applicable to disciplinary proceedings; and subpart E contains general provisions relating to the availability of official records.

Section 7805 of the Internal Revenue Code (IRC) grant the Secretary of the Treasury broad authority to administer and enforce the internal revenue laws. IRC Section 7805 allows the Treasury to establish administrative programs, such as those included within Revenue Procedures 2012-12 and Revenue Procedures 2014-42.

Rev. Proc. 2012-12 describes the procedures and standards that organizations must follow to be identified by the Internal Revenue Service as a qualifying organization that may accredit continuing education providers under section 10.9(a)(1)(iii) of Circular 230. This revenue procedure also describes the standards for a continuing education provider under section

10.9(a)(1) and the procedures that individuals and entities must follow to be approved by the Internal Revenue Service as a continuing education provider under section 10.9(a)(1)(iv).

Rev. Proc. 2014-42 provides guidance regarding the Annual Filing Season Program, which is designed to encourage tax return preparers who are not attorneys, certified public accountants, enrolled agents, or enrolled retirement plan agents to complete continuing education courses to enhance their knowledge of the law relevant to federal tax returns. The revenue procedure also specifies the continuing education requirements associated with participation in the program and the requirement to complete an annual federal tax filing season refresher course offered by an approved CE provider.

### **Collection Requirements**

The collection requirements include reporting, recordkeeping, and third-party disclosure requirements listed within Circular 230 (TD 9011), Rev. Proc 2012-12, and Rev. Proc. 2014-42. Some of the reporting requirements have been standardized into forms.

### **All Practitioners:**

Circular 230 contains recordkeeping and third-party disclosure requirements that apply to all tax practitioners, regardless of status. Section 10.29 states, if there is a conflict of interest, practitioners must inform the clients, confirm a writing consent by each affected client, and maintain a record of the consent. Section 10.30 states practitioners must maintain records about the specified advertising and communication materials.

### **Enrolled Agent Process:**

Tax practitioners that wish to represent taxpayers before the IRS may become an enrolled agent. The IRS website [IRS.gov/Tax-Professionals/Enrolled-Agents/Become-an-Enrolled-Agent](https://www.irs.gov/Tax-Professionals/Enrolled-Agents/Become-an-Enrolled-Agent) provides complete information on the steps to be taken to become an enrolled agent. Applicants must: 1) apply to become an enrolled agent, 2) renew their status every three years, 3) complete continuing education requirements every three years, and 4) renew their preparer tax identification numbers (PTIN) annually. The PTIN process is approved by the Office of Management and Budget (OMB) under 1545-2190.

Form 2587 is used by individuals to apply to take the Special Enrollment Examination (SEE).

Form 23 is an application used by qualified IRS employees and those who pass the Special Enrollment Exam (SEE) and wish to practice before the Internal Revenue Service as an enrolled agent.

Form 8554 is an application for renewal mailed to all enrolled agents each year. The enrolled agent must complete the form and mail it back to IRS, with their renewal fee.

Form 8554-EP is used to renew one's Enrolled Retirement Plan Agent (ERPA) status. The ERPA must renew their enrollment status every 3 years.

**Annual Filing Season Program:**

The voluntary Annual Filing Season Program is intended to recognize and encourage unenrolled tax return preparers who aspire to a higher level of professionalism to increase their knowledge and improve their filing season competency through continuing education. Participants must apply and renew their status, consent to certain Circular 230 provisions, and can appeal a revocation of their status. (Rev. Proc. 2014-42)

**Continuing Education Requirements:**

To qualify for renewal as an enrolled agent, enrolled retirement plan agent, or tax return preparer as a participant in the Annual Filing Season Program (AFSP), an individual must certify, in the manner prescribed by the Internal Revenue Service, that the individual has satisfied the requisite number of continuing education hours. The voluntary Annual Filing Season Program, which the IRS established in 2014, is intended to recognize and encourage unenrolled tax return preparers who aspire to a higher level of professionalism to increase their knowledge and improve their filing season competency through continuing education (CE). CE providers must maintain course records, and issue certificates of completion. Enrolled agents and AFSP participants must maintain records of completion.

Form 8498 is used to: 1) register as a new provider of continuing educational programs being offered to IRS enrolled agents, enrolled retirement plan agents, and other tax return preparers; 2) annually renew your status as an IRS-approved continuing educational provider; and 3) add new programs to an existing IRS-approved provider continuing education curriculum.

Form 14360 is used to file a complaint against an approved IRS Continuing Education Provider (CE) who is not meeting Revenue Procedure 2012-12 standards while offering CE programs to enrolled agents, enrolled retirement plan agents, and other tax return preparers.

Form 14364 is used to evaluate the content and delivery of IRS approved continuing education programs.

Form 14392 is used by enrolled agents and enrolled retirement plan agents to request a waiver of continuing education requirements. This waiver is typically requested when an individual has not been or will not be able to acquire the required CE credits prior to the renewal deadline for enrolled agents or enrolled retirement plan agents.

## **2. USE OF DATA**

The IRS Return Preparer Office (RPO) oversees certain matters related to authority to practice before the Internal Revenue Service, including acting on enrollment applications for practitioners, continuing education providers, and annual filing season program participants, and administering competency testing and continuing education compliance.

The information gathered in this collection will help the IRS administer the law and regulations governing (1) the enrollment and renewed enrollment of individuals to practice before the IRS and (2) the practice of practitioners and other individuals who interact with the tax administration system on behalf of taxpayers.

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

The IRS allows for electronic collection of the forms.

## **4. EFFORTS TO IDENTIFY DUPLICATION**

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

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

Small businesses and entities should not be disadvantaged as the collections have been structured to request the least amount of information and still satisfy the requirements of the statutes, regulations, and the needs of the IRS.

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

The information required is needed to verify compliance with matters related to practice before the Internal Revenue Service (IRS) under 31 CFR Subtitle A, Part 10, including eligibility to practice. Failure to administer the law and regulations governing this practice would not protect taxpayers and the integrity of tax administration. IRS understands that voluntary tax compliance relies on taxpayers' confidence and trust in the agency, including the administration and enforcement of requirements and rules related to practice before the IRS.

**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**

In response to the Federal register notice dated November 19, 2025 (90 FR 52165), we have received 4 public comments. The full comments will be included within submission to the Office of Management and Budget (OMB). The summary of the comments and the IRS responses are below:

<b>Comment Number</b>	<b>Summary of public comment</b>	<b>IRS response</b>
1.	<p>Two of the comment letters recommended that the IRS treat the regulations in Circular 230, including its requirements, as applying to ALL paid tax return preparers.</p> <p>One letter suggested that:</p> <ul style="list-style-type: none"> <li>• Contrary to the . . . ‘Loving’ Decision, practice before the IRS must include preparing and filing all tax forms.</li> <li>• Tax return preparers who engage in preparing tax forms for hire must be licensed or otherwise regulated and adhere to specific standards.</li> <li>• These standards must include accountability for all claims made on tax forms and accessibility to explain them when questions arise.”</li> </ul> <p>The second letter referenced “a distinction between ‘practice before the IRS’ and paid tax return preparation, despite the fact that paid</p>	<p>Currently, the only requirements for paid tax return preparers are that they must obtain a PTIN and comply with due diligence and other return preparation rules in the Internal Revenue Code, and are subject to penalties for noncompliance.</p> <p>In <i>Loving v. IRS</i>, the D.C. Circuit Court of Appeals ruled that the IRS cannot require all preparers to register as Circular 230 practitioners, undergo competency testing, or complete CE.</p> <p>The IRS is legally unable to implement the suggestions because (1) it lacks (as the court held) the authority in 31 USC 330 to do so; (2) the agency is under a permanent injunction imposed by the court from initiating and enforcing the requirements that were set aside; and (3) a legislative change would be required.</p>

	<p>preparers directly interpret tax law, apply taxpayer elections, and submit representations to the IRS that materially affect enforcement, compliance, and taxpayer outcomes. From an administrative and compliance perspective, paid tax return preparation functions as practice before the IRS in all but name.” The letter concluded that the “distinction creates inefficiency in information collection and oversight[,]” noting the IRS collects “extensive” information for enrolled practitioners, including as to suitability and continuing education (CE), resulting in increased “burden on both the IRS and taxpayers.” The letter suggested the IRS evaluate whether enrollment-related information collections “would be more effective and less burdensome . . . if applied uniformly to all paid tax return preparers.”</p>	<p>Some paid tax return preparers can obtain limited practice rights before the IRS, if they participate in AFSP (described above). Those individuals must meet all the requirements of the AFSP which are to:</p> <ul style="list-style-type: none"> <li>• Have an active PTIN</li> <li>• Obtain the required CE by Dec. 31 of every year.</li> <li>• Consent to adhere to practice obligations specified in Subpart B and section 10.51 of Circular 230.</li> </ul>
<p>2.</p>	<p>Two of the comment letters proposed improvements to the IRS public website for Enrolled Agents (<a href="#">Enrolled agents   Internal Revenue Service</a>).</p> <p>As one letter emphasized, “Meaningful burden reduction could be achieved through improved use of technology. A centralized practitioner portal that consolidates enrollment status, renewals, continuing education reporting, and IRS correspondence would be particularly helpful.”</p> <p>The other letter offered several</p>	<p>Information on becoming an enrolled agent can be found on the IRS.gov/ea site. The information on the landing page is listed by EA topics which can be accessed using both the landing page and the left side navigation. EAs can use the PTIN System portal to view correspondence sent regarding their PTINs and continuing education. The agency is always looking for ways to leverage technology to improve the tax professional and taxpayer experience. The comments will be considered as the agency looks for opportunities to make processes more efficient.</p>

	<p>suggestions to further streamline and generally simplify the online enrollment process and viewing information about it, as well as connecting access to the enrollment system with other services available on IRS.gov. For example, the enrollment “section of the website could be accessible through ID.Me [<i>sic</i> [ID.me]]. It could also be connected to an individual, business and/or TaxPro account on the IRS website.”</p>	
3.	<p>The same letter also commented on the enrollment application and renewal application, stating, “In regard to Forms 8554 and 23, . . . that [electronically accessing them] could be connected to the PTIN section of the website (since that is a requirement of an EA). Access to this and other information for the EA could be in a separate section of the IRS website from a menu label along the homepage of the website.”</p>	<p>A PTIN is required for individuals who prepare or assist in the preparing of federal tax returns for compensation. While a PTIN is required to obtain or maintain the Enrolled Agent credential, individuals are not required to be EAs to obtain or renew a PTIN. Information regarding both PTIN registration and EA enrollment can be found on IRS.gov. The EA section currently contains information on obtaining and renewing one’s PTIN because the PTIN is a pre-requisite to practicing as an EA. EA information is presented separately from other credentials and designations and is accessible through the “Tax Pros” section of the IRS.gov website or by visiting IRS.gov/ea.</p> <p>The comments will be evaluated for any opportunities to enhance or further streamline the process, notwithstanding that the existing procedures appear to be well-optimized.</p>

**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**

A privacy impact assessment (PIA) has been conducted for information collected under this request as part of the “Return Preparer Database (RPD)” system and a Privacy Act System of Records notice (SORN) has been issued for this system under; Treas/IRS 37.006 Correspondence, Miscellaneous Records, and Information Management Records; Treasury/IRS 37.007 Practitioner Disciplinary Records; Treasury/IRS 37.009 Enrolled Agent and Enrolled Retirement Plan Agent Records; Treasury/IRS 37.111 Preparer Tax Identification Number (PTIN) Records. 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 on 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**

Estimated total annual reporting, third-party disclosure, and recordkeeping burden is broken out as follows:

<b>Authority (31 CFR part 10, section)</b>	<b>Description</b>	<b># of Respon dents</b>	<b># Response s per Responde nt</b>	<b>Annual Responses</b>	<b>Hours per Response</b>	<b>Total Burden Hours</b>
10.4	Form 2587	15,643	1	15,643	.45	7,040
10.5	Form 23	5,429	1	5,429	1.17	6,352
10.6	Form 8554	21,000	1	21,000	1.19	24,990
10.6	Form 8554-EP	250	1	250	1.15	288

10.9	Form 8498	800	1	800	2.2	1760
10.9	Form 14360	10	1	10	.67	7
10.9	Form 14364	50,000	1	50,000	.67	33,500
10.9	Form 14392	1,500	1	1,500	.85	1,275
TD 9011/TD 9527/ Circular 230	Recordkeeping and Third-party disclosures	56,000	1	56,000	.25	14,000
Rev Proc 2014-42	AFSP Reporting and Recordkeeping	64,514	1	64,514	2	129,028
<b>Total</b>		<b>215,146</b>		<b>215,146</b>		<b>218,240</b>

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

A reasonable nonrefundable fee may be charged for each application to become an enrolled Agent or renew enrollment as an enrolled agent or enrolled retirement plan agent (26 CFR part 300).

<b>Service</b>	<b>Fee</b>
IRS Special Enrollment Examination (SEE) (Form 2587)	\$267
Application for Enrollment to Practice Before the Internal Revenue Service (Form 23)	\$140
Application for Renewal of Enrollment to Practice Before the Internal Revenue Service (Form 8554)	\$140
Application for Renewal of Enrollment to Practice Before the Internal Revenue Service as an Enrolled Retirement Plan Agent (ERPA) (Form 8554-EP)	\$140
Continuing Education Provider Application and Request for Provider Number (Form 8498)	\$650

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

The estimated annualized cost to the Federal Government is based on a model that considers the following three 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.

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 Federal Government estimated annualized cost per product.

The federal government estimated annualized cost is as follows:

<u>Product</u>	<u>Aggregate Cost per Product (factor applied)</u>		<u>Printing and Distribution</u>		<u>Government Cost Estimate per Product</u>
Form 2587	\$15,048	+	\$4,104	=	\$19,152
Form 23	\$16,416	+	\$4,104	=	\$20,520
Form 8554	\$16,416	+	\$4,104	=	\$20,520
Form 8554-EP	\$16,416	+	\$4,104	=	\$20,520
Form 8498	\$16,416	+	\$10,260	=	\$26,676
Form 14360	\$15,048	+	\$4,104	=	\$19,152
Form 14364	\$15,048	+	\$0	=	\$15,048
Form 14392	\$15,048	+	\$4,104	=	\$19,152
<b>Total</b>	<b>\$125,856</b>	<b>+</b>	<b>\$34,884</b>	<b>=</b>	<b>\$160,740</b>
Table costs are based on 2024 actuals obtained from IRS Chief Financial Officer and Media and Publications					

**15. REASONS FOR CHANGE IN BURDEN**

IRS has not made any revision or other program changes that affect the burden. The purpose of this submission is renew the OMB approval and to consolidate the related collections under one approval number. The burdens previously approved under 1545-0946 (Forms 8554

& 8554-EP), 1545-0949 (Form 2587), 1545-0950 (Form 23), and 1545-1459 (Form 8498) will be consolidated into this OMB approval. Additionally, IRS has updated the burden estimates to reflect current filing information from the program office.

	<b>Requested</b>	<b>Program Change Due to New Statute</b>	<b>Program Change Due to Agency Discretion</b>	<b>Change Due to Adjustment in Agency Estimate</b>	<b>Change Due to Potential Violation of the PRA</b>	<b>Previously Approved</b>
Annual Number of Responses	215,146	0	0	-494,964	0	710,110
Annual Time Burden (Hr.)	218,240	0	0	-1,555,280	0	1,773,520

**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 collection sunsets 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.