

**Supporting Statement**  
**Internal Revenue Service**  
**Information and Initial Excise Tax Return for Black Lung Benefit Trusts and**  
**Certain Related Persons and Form 6069, Return of Excise Tax on Excess**  
**Contributions to Black Lung Benefit Trust Under Section 4953 and Computation**  
**of Section 192 Deduction**  
**OMB Control No. 1545-0049**

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Black lung benefit trusts use Form 990-BL to report their financial activities and to answer certain questions on their exempt activities that must be reported to IRS each year. Section 1.6033-2(a)(2)(i) of the Income Tax Regulations specifically requires the trusts to file the form. The trusts and certain related parties need the Schedule A (Form 990-BL) to report engaging in certain proscribed activities and pay the tax on them. The coal mine operators contributing to black lung benefit trusts need Form 6069 to determine their allowable deduction to the trusts and to pay the tax on excess contributions if any are made. Regulations section 53.6011-1(e) requires filing a return to pay taxes imposed by sections 4951, 4952, and 4953. Form 6069 is a worksheet (schedule A) used to determine the maximum allowable income tax deduction for contributions made by coal mine operators to tax-exempt black lung trusts. The form is also used to determine the amount of excise tax imposed under section 4953 for contributions that are more than the maximum allowable deduction under section 192 of the code.

2. USE OF DATA

The IRS uses Form 990-BL to monitor the activities of black lung benefit trusts. They are required to file the return if they normally have \$25,000 or more in gross receipts for the tax year. If the trust or related persons engage in any proscribed activities, they must attach Schedule A of (Form 990-BL) and pay the tax on it. If the coal mine operator determines an excess contribution was made to the trust, then the operator must file a Form 6069 to report the excess and pay the tax on it.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

We have no plans at this time to offer electronic filing because of the low volume compared to the cost of electronic enabling.

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

There is no burden on small businesses or entities by this collection due to the inapplicability of the authorizing statute to this type of entity.

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

If the information were not collected, the IRS would not be able to determine the correct amount of excise tax to collect under section 4953 of the Code and figure and collect the tax on excess contributions under section 192 of the Code. This would affect both the taxpayer and the government in ensuring proper tax compliance and 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

In response to the Federal Register Notice (83 FR 13347), dated March 28, 2018, we received no comments during the comment period regarding Form 990-BL, and Form 6069.

### 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 "Tax Exempt Government Entity Case Management Records (TEGECMR)" system and a Privacy Act System of Records notice (SORN) has been issued for this system under IRS 50.222-TEGE Case Management Records and

IRS 34.037-Audit Trail and Security Records System. 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

The burden estimate is as follows:

Authorizing Statute	Description	# of Respondents	# Responses per Respondent	Annual Responses	Hours per Response	Total Burden
IRC 6033	Form 990-BL	22	1	22	34.25hrs.	754
IRC 4953 and 192	Form 6069	1		1	9.93 hrs.	10
	Totals	23	1	23		764

The following regulations impose no additional burden. Please continue to assign OMB number 1545-0049 to these regulations.

1.6033-2                      53.6071-1  
 53.6011-1(e)                53.6071-1(d)

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 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 Government cost estimate per product.

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

<u>Product</u>	<u>Aggregate Cost per Product (factor applied)</u>		<u>Printing and Distribution</u>		<u>Government Cost Estimate per Product</u>
Form 1099-R	\$ 16,783	+		=	\$ 16,783
Form 1099-R and F5498 Instructions	\$ 2,979	+		=	\$ 2,979
<b>Grand Total</b>	<b>19762</b>				<b>19762</b>
Table costs are based on 2016 actuals obtained from IRS Chief Financial Office and Media and Publications					
* New product costs will be included in the next collection update.					

15. REASONS FOR CHANGE IN BURDEN

There are no changes to the forms or burden hours previously approved by OMB. We are making this submission for renewal purposes.

	<u>Requested</u>	<u>Program Change Due to</u>	<u>Program Change Due to</u>	<u>Change Due to Adjustment in</u>	<u>Change Due to Potential</u>	<u>Previously Approved</u>

		New Statute	Agency Discretion	Agency Estimate	Violation of the PRA	
Annual Number of Responses	23	0	0	0	0	23
Annual Time Burden (Hr)	764	0	0	0	0	764

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 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.