

Supporting Statement
Internal Revenue Service
Form 5330, Return of Excise Taxes Related to Employee Benefit Plans
Form 8868, Application for Extension of Time To File an Exempt Organization Return or Excise Taxes
Related to Employee Benefit Plans
OMB No. 1545-0575

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Internal Revenue Code sections 4971, 4972, 4973(a)(3), 4975, 4976, 4977, 4978, 4978A, 4978B, 4979, 4979A, and 4980 impose excise taxes on certain employers with employee benefit plans.

Form 5330 is used to report and pay the excise taxes related to employee benefit plans. Form 8868 is used to request an extension of time to file an exempt organization return or excise taxes return related to employee benefit plans. OMB No. 1545-0575 covers the employer plan use of the Form 8868, tax-exempt organizations are covered under 1545-0047.

2. USE OF DATA

Form 5330 is used by IRS to verify that the proper amount of excise tax has been reported and paid and Form 8868 allows for extensions to file Form 5330 but does not allow for an extension to pay the tax.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

IRS is currently offering electronic filing for Forms 5330 and 8868.

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 IRS uses the information entered on Form 5330 to establish the entity's filing and reporting requirements for Federal tax purposes. The form provides a vehicle for reporting required information and payment of the amount of taxes legally due. The collection of this information gives IRS the opportunity and ability to timely collect required information and the proper revenue needed to support the Federal government thereby allowing the IRS to meet its mission. Form 8868 allows IRS to grant taxpayers extensions of time to file Form 5330 and allow to accept payment of excise taxes due on Form 5330.

7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTIONS TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

There are no special circumstances requiring data collections to be inconsistent with guidelines in 5 CFR 1320(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 January 12, 2026, (91 FR 1237), IRS received no comments during the comment period regarding Form 5330 and Form 8868.

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

No payment or gift will be 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 "Returns Inventory and Classification System (RICS)" and a Privacy Act System of Records notice (SORN) has been issued for this system under IRS 34.037-IRS Audit Trail and Security Records System; IRS 50.222, Tax Exempt/Government Entities (TE/GE) Case Management Records. The Internal Revenue Service PIAs can be found at <http://www.treasury.gov/privacy/PIAs/Pages/default.aspx>

The taxpayer's SSN or EIN (not both) is used to identify who is the owner of the business if they file with an EIN. 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

Description	# of Respondents	# Responses per Respondent	Annual Responses	Hours per Response	Total Burden
Form 5330	18,900	1	18,900	64.53	1,219,617
Form 8868	7,560	1	7,560	4.70	35,532
Totals	26,460		26,460		1,255,149

The following regulations impose no additional burden. Please continue to assign OMB number 1545-0575 to these regulations.

53.4972-1	54.4975-7	54.6011-1T
53.6161-1(c)	54.6011-1(a) & (b)	54.6071-1T

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.

<u>Product</u>	<u>Aggregate Cost per Product (factor applied)</u>		<u>Printing and Distribution</u>		<u>Government Cost Estimate per Product</u>
Form 5330	26,684	+	0	=	26,684
Instruction for Form 5330	10,840	+	0	=	10,840
Form and Instructions 8868	21,681	+	0	=	21,681
Grand Total	59,205	+	0	=	59,205
Table costs are based on 2025 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 is no change to the paperwork burden previously approved by OMB. IRS is making this submission for renewal purposes.

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 form 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 for this collection.