



Instructions for Form 940

Employer's Annual Federal Unemployment (FUTA) Tax Return

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

Items To Note

New worksheet for computing the Part II, line 6 credit if state contributions were paid late. Filers who made contributions to their state unemployment fund after the due date for filing Form 940 should complete the new worksheet provided in the instructions for line 6 on page 5 to compute the allowable credit. **Do not** report such contributions in Part II, line 3, column (i) or on line 3b. Any credit allowed for such state contributions will appear on line 6.

Electronic deposit requirement. If your total deposits of social security, Medicare, railroad retirement, and withheld income taxes were more than \$50,000 in 1997, you must make electronic deposits for **all** depository tax liabilities (including FUTA tax) that occur after 1998 using the Electronic Federal Tax Payment System (EFTPS). However, if you were first required to use EFTPS on or after July 1, 1997, no penalties for failure to use EFTPS will be imposed for tax liabilities that occur prior to July 1, 1999. To enroll in EFTPS, call 1-800-945-8400 or 1-800-555-4477. For general information about EFTPS, call 1-800-829-1040.

Preprinted EIN relocated. To ensure privacy, we have relocated the employer identification number on preprinted forms to an area above the envelope window.

State unemployment information. Employers must contact their state unemployment tax offices to receive their state reporting number, state experience rate, and details about their state unemployment tax obligations.

Purpose of Form

Use this form to report your annual Federal Unemployment Tax Act (FUTA) tax. FUTA tax, together with state unemployment systems, provides for payments of unemployment compensation to workers who have lost their jobs. Most employers pay both Federal and state unemployment taxes. Only the employer pays FUTA tax. Do not collect or deduct it from your employees' wages. The tax applies to the first \$7,000 you pay each employee in a year. The \$7,000 amount is the Federal wage base. Your state wage base may be different.

Form 940-EZ, Employer's Annual Federal Unemployment (FUTA) Tax Return, is a simpler version of Form 940. You may use it instead of Form 940 to report your annual FUTA tax if—

1. You paid unemployment contributions to only one state,
2. You paid all state unemployment contributions by February 1, 1999 (February 10 if you deposited all FUTA tax when due), and
3. All wages that were taxable for FUTA tax were also taxable for your state's unemployment tax. If, for example, you paid wages to corporate officers (these wages are taxable for FUTA tax) in a state that exempts these wages from its unemployment tax, you cannot use Form 940-EZ. **Note:** A successor employer claiming a credit for state unemployment contributions paid by the prior employer must file Form 940.

For details, get Form 940-EZ. **Do not file Form 940 if you have already filed Form 940-EZ for 1998.** However, see **Amended returns** on page 4.

When To File

File Form 940 for 1998 by February 1, 1999. However, if you deposited all FUTA tax when due, you may file on or before February 10, 1999. Your return will be considered timely filed if it is properly addressed and mailed First Class or sent by an IRS designated delivery service by the due date. See **Circular E (Pub. 15)**, Employer's Tax Guide, for a list of designated delivery services.

Caution: Private delivery services cannot deliver items to P.O. boxes.

Who Must File

Except as noted below, you must file if Test 1 **or** Test 2 applies.

Test 1. You paid wages of \$1,500 or more in any calendar quarter in 1997 or 1998.

Test 2. You had one or more employees for at least some part of a day in any 20 or more different weeks in 1997 or 20 or more different weeks in 1998.

Count all regular, temporary, and part-time employees. A partnership should not count its partners. If there is a change in ownership or other transfer of business during the year, each employer who meets Test 1 or 2 must file. **Do not** report wages paid by the prior (or subsequent) employer.

Household employers. File a FUTA tax return **ONLY** if you paid total cash wages of \$1,000 or more (for all household employees) in any calendar quarter in 1997 or 1998 for household work in a private home, local college club, or local chapter of a college fraternity or sorority. Individuals, estates, and trusts that owe FUTA tax for **household work** in a private home, in most cases, must

file **Schedule H (Form 1040)**, Household Employment Taxes, instead of Form 940 or 940-EZ. See the instructions for Schedule H (Form 1040).

In some cases, such as when you employ both household employees and other employees, you may have the option to report social security, Medicare, and withheld Federal income taxes for your household employee(s) on **Form 941**, Employer's Quarterly Federal Tax Return, or **Form 943**, Employer's Annual Tax Return for Agricultural Employees, instead of on Schedule H. If you reported your household employee's wages on Form 941 or 943, you must use Form 940 or 940-EZ to report FUTA tax.

Agricultural employers. File a FUTA tax return if either 1 or 2 below applies:

1. You paid cash wages of \$20,000 or more to farmworkers during any calendar quarter in 1997 or 1998 or

2. You employed 10 or more farmworkers during at least some part of a day (whether or not at the same time) during any 20 or more different weeks in 1997 or 20 or more different weeks in 1998.

Count wages paid to aliens admitted on a temporary basis to the United States to perform farmwork, also known as workers with "H-2(A)" visas, to see if you meet either 1 or 2. However, wages paid to H-2(A) visa workers are not subject to FUTA tax.

Nonprofit organizations. Religious, educational, charitable, etc., organizations described in section 501(c)(3) and exempt from tax under section 501(a) are not subject to FUTA tax and are not required to file.

State and local government employees. Wages paid to state or local government employees are not subject to FUTA tax.

Where To File

In the list below, find the location where your legal residence, principal place of business, office, or agency is located. Send your return to the **Internal Revenue Service** at the address listed for your location. No street address is needed.

Note: *Where you file depends on whether or not you are including a payment.*

Florida, Georgia, South Carolina

Return without payment:
Atlanta, GA 39901-0046

Return with payment:
P.O. Box 105887
Atlanta, GA 30348-5887

New Jersey, New York (New York City and counties of Nassau, Rockland, Suffolk, and Westchester)

Return without payment:
Holttsville, NY 00501-0046

Return with payment:
P.O. Box 1365
Newark, NJ 07101-1365

New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Return without payment:
Andover, MA 05501-0046

Return with payment:
P.O. Box 371307
Pittsburgh, PA 15250-7307

Illinois, Iowa, Minnesota, Missouri, Wisconsin

Return without payment:
Kansas City, MO 64999-0046

Return with payment:
P.O. Box 970010
St. Louis, MO 63197-0010

Delaware, District of Columbia, Maryland, Pennsylvania, Puerto Rico, Virginia, U.S. Virgin Islands

Return without payment:
Philadelphia, PA 19255-0046

Return with payment:
P.O. Box 8726
Philadelphia, PA 19162-8726

Indiana, Kentucky, Michigan, Ohio, West Virginia

Return without payment:
Cincinnati, OH 45999-0046

Return with payment:
P.O. Box 6977
Chicago, IL 60680-6977

Kansas, New Mexico, Oklahoma, Texas

Return without payment:
Austin, TX 73301-0046

Return with payment:
P.O. Box 970017
St. Louis, MO 63197-0017

Alaska, Arizona, California (counties of Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba), Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming

Return without payment:
Ogden, UT 84201-0046

Return with payment:
P.O. Box 7024
San Francisco, CA 94120-7024

California (all other counties), Hawaii

Return without payment:
Fresno, CA 93888-0046

Return with payment:
P.O. Box 60378
Los Angeles, CA 90060-0378

Alabama, Arkansas, Louisiana, Mississippi, North Carolina, Tennessee

Return without payment:
Memphis, TN 37501-0046

Return with payment:
P.O. Box 1210
Charlotte, NC 28201-1210

If the location of your legal residence or principal place of business is not listed above

All Returns:
Philadelphia, PA 19255-0046

Magnetic Media Reporting

You may file Form 940 using magnetic media. See Rev. Proc. 96-18, 1996-1 C.B. 637, for the procedures and **Pub. 1314** for the tape specifications.

Penalties and Interest

Avoid penalties and interest by making tax deposits when due, filing a correct return, and paying all taxes when due. There are penalties for late deposits and late filing unless you can show reasonable cause. If you file late, attach an explanation to the return. There are also penalties for willful failure to pay tax, keep records, make returns, and for filing false or fraudulent returns. Get Circular E (Pub. 15), for more information on penalties.

Not Liable for FUTA Tax

If you receive Form 940 and are not liable for FUTA tax for 1998, write "Not Liable" across the front of the form, sign the return, and return it to the IRS.

Credit for Contributions Paid to a State Fund

You get a credit for amounts you pay to a state (including the District of Columbia, Puerto Rico, and the U.S. Virgin Islands) unemployment fund by February 1, 1999 (or February 10, 1999, if that is your Form 940 due date). Your FUTA tax will be higher if you do not pay the state contributions timely. See the line 6 instructions on page 5 if you did not pay state contributions by the due date of Form 940.

"Contributions" are payments that a state requires an employer to make to its unemployment fund for the payment of unemployment benefits. However, contributions do not include:

- Any payments deducted or deductible from your employees' pay.
- Penalties, interest, or special administrative taxes not included in the contribution rate the state assigned to you.
- Voluntary contributions paid to get a lower assigned rate.

You may receive an additional credit if you have a state experience rate lower than 5.4% (.054). This applies even if your rate is different during the year. This **additional** credit is equal to the difference between actual payments and the amount you would have been required to pay at 5.4%.

The total credit allowable may not be more than 5.4% of the total taxable FUTA wages.

Special credit for successor employers. A successor employer is an employer who received a unit of another employer's trade or business or all or most of the property used in the trade or business of another employer. Immediately after the acquisition, the successor employer must employ one or more individuals who were employed by the previous owner.

You may be eligible for a credit based on the state unemployment contributions paid by the previous employer. You may claim these credits if you are a successor employer and acquired a business in 1998 from a previous employer who was not required to file Form 940 or 940-EZ for 1998. **If you are eligible to take this credit, you must file Form 940; you may not use Form 940-EZ.** See section 3302(e). Enter in Part II, line 3, columns (a) through (i) the information of the previous employer as if you paid the amounts.

Successor employers may be able to count the wages that the previous employer paid to their employees to meet the \$7,000 wage base. See the instructions for Part I, line 3 on page 4.

Depositing FUTA Tax

When to deposit. Although Form 940 covers a calendar year, you may have to make deposits of the tax before filing the return. Generally, deposit FUTA tax quarterly but only when your liability exceeds \$100. Determine your FUTA tax for each of the first three quarters by multiplying by .008 that part of the first \$7,000 of each employee's annual wages you paid during the quarter. If any part of the amounts paid are exempt from state unemployment tax, you may be required to deposit an amount greater

than that determined using the .008 rate. For example, in certain states, wages paid to corporate officers, certain payments of sick pay by unions, and certain fringe benefits, are exempt from state unemployment tax.

If your FUTA tax liability for any of the first three quarters of 1998 (plus any undeposited amount of \$100 or less from any earlier quarter) is over \$100, deposit it by the last day of the month after the end of the quarter. If it is \$100 or less, carry it to the next quarter; a deposit is not required. If your liability for the fourth quarter (plus any undeposited amount from any earlier quarter) is over \$100, deposit the entire amount by February 1, 1999. If it is \$100 or less, you can either make a deposit or pay it with your Form 940 by February 1. (If you deposit it by February 1, you may file Form 940 by February 10, 1999.)

The deposit due dates are shown in the following chart:

If undeposited FUTA tax is over \$100 on—	Deposit it by—
March 31	April 30
June 30.....	July 31
September 30.....	October 31
December 31.....	February 1

Note: *If any deposit due date shown falls on a Saturday, Sunday, or legal holiday, you may deposit on the next business day.*

How to deposit. If you are not required to use EFTPS (See **Electronic deposit requirement** on page 1), use **Form 8109**, Federal Tax Deposit Coupon, when you make each tax deposit. The IRS will send you a book of deposit coupons when you apply for an employer identification number (EIN). Follow the instructions in the coupon book. If you do not have coupons, see section 11 in Circular E (Pub. 15).

Make your deposits with an authorized financial institution (e.g., a commercial bank that is qualified to accept Federal tax deposits) or the Federal Reserve bank for your area. To avoid a possible penalty, do not mail deposits directly to the IRS. Records of your deposits will be sent to the IRS for crediting to your business accounts.

Specific Instructions

Employer's name, address, and employer identification number. Use the preaddressed Form 940 mailed to you. If you must use a form that is not preaddressed, type or print your name, trade name, address, and EIN on it. If you do not have an EIN, apply for one on **Form SS-4**, Application for Employer Identification Number. If you do not have your EIN by the time a return is due, write "Applied for" and the date you applied for the number.

Questions A through C. The answers to the questions will direct you to the correct form to file. If you answered "Yes" to all the questions, you may file Form 940-EZ, a simpler version of Form 940. If you answer "No" to any of the questions or you are a successor employer claiming a credit for state unemployment contributions paid by the prior employer, complete and file Form 940.

Final return. If you will not have to file returns in the future, check the box on the line below question C. Then

complete and sign the return. If you start paying FUTA wages again, file Form 940 or 940-EZ.

Amended returns. Use a new Form 940 to amend a previously filed Form 940. Check the Amended Return box above Part I. Enter all amounts that should have been on the original return, and sign the form. Attach an explanation of the reasons for the amended return. For example, you are filing to claim the 90% credit for contributions paid to your state unemployment fund after the due date of Form 940. File the amended return with the Internal Revenue Service Center where you filed the original return.

If you were required to file Form 940 but filed Form 940-EZ instead and you must correct an error, file the amended return on Form 940.

If you are filing an amended return after June 30 to claim contributions to your state's unemployment fund that you paid after the due date of Form 940, attach a copy of the certification from the state. This will expedite the processing of the amended return.

Part I — Computation of Taxable Wages

Line 1 — Total payments. Enter the total payments you made during the calendar year for services of employees, even if the payments are not taxable for FUTA tax. Include salaries, wages, commissions, fees, bonuses, vacation allowances, and amounts paid to temporary or part-time employees; the value of goods, lodging, food, clothing, and noncash fringe benefits; contributions to a 401(k) plan, payments to medical savings accounts (MSA), payments under adoption assistance programs, and contributions to SIMPLE retirement accounts (including elective salary reduction contributions); section 125 (cafeteria) plan benefits; and sick pay (including third party sick pay if liability transferred to employer). For details on sick pay, see **Pub. 15-A**, Employer's Supplemental Tax Guide. Include tips of \$20 or more in a month reported to you by your employees. Also, include payments made by a previous employer if you are counting those payments for the \$7,000 wage base as explained under **Successor employer** in the line 3 instructions below. Enter the amount before any deductions.

How you make the payments is not important to determine if they are wages. Thus, you may pay wages for piecework or as a percentage of profits. You may pay wages hourly, daily, weekly, monthly, or yearly. You may pay wages in cash or some other way, such as goods, lodging, food, or clothing. For items other than cash, use the fair market value when paid.

Line 2 — Exempt payments. The amounts reported on line 2 are exempt from FUTA tax. **Do not** enter payments over \$7,000 for each employee. Enter such amounts on line 3. For FUTA purposes, "wages" and "employment" do not include every payment and every kind of service an employee may perform. In general, payments excluded from wages and payments for services excepted from employment are not subject to FUTA tax.

You may deduct exempt payments from total payments only if you explain them on line 2. Amounts that may be exempt from your state's unemployment tax, for example, corporate officers' wages, may not be exempt from FUTA tax.

Enter payments such as the following on line 2 if you included them in total payments on line 1:

1. Agricultural labor if you did not meet either 1 or 2 under **Agricultural employers** on page 2 and **all** payments to H-2(A) visa workers.

2. Benefit payments for sickness or injury under a workers' compensation law.

3. Household services if you did not pay total cash wages of \$1,000 or more in any calendar quarter in 1997 or 1998.

4. Certain family employment. (See Cir. E (Pub. 15).)

5. Certain fishing activities. (See **Pub. 595**, Tax Highlights for Commercial Fishermen).

6. Noncash payments for farmwork or household services in a private home. Only cash wages to these workers are taxable.

7. Value of certain meals and lodging. (See Section 5 in Cir. E (Pub. 15).)

8. Cost of group-term life insurance.

9. Payments attributable to the employee's contributions to a sick-pay plan.

10. Employer contributions to a SIMPLE retirement account (other than elective salary reduction contributions).

11. Employer payments to a medical savings account (MSA).

12. Benefits excludable under a section 125 (cafeteria) plan.

13. Certain statutory employees. (See Pub. 15-A.)

14. Services performed by an inmate of a penal institution.

15. Any other exempt service or pay.

For more information, see **Special Rules for Various Types of Services and Payments** in Circular E (Pub. 15) or **How Do Employment Taxes Apply to Farmwork?** in **Circular A**, Agricultural Employer's Tax Guide (Pub. 51).

Line 3 — Payments for services of more than \$7,000. Enter the total amounts over \$7,000 you paid each employee. For example, if you have 10 employees and paid each \$8,000 during the year, enter \$80,000 on line 1 and \$10,000 on line 3. **Only the first \$7,000 paid to each employee is subject to FUTA tax. Do not use the state wage base for this entry. The state wage base may be different from the Federal wage base of \$7,000. Do not include any exempt payments from line 2 in figuring the \$7,000.**

Successor employer. If you acquired a business from an employer who was liable for FUTA tax, you may count the wages that employer paid to the employees who continue to work for you when you figure the \$7,000 wage base. Include on line 3 the payments made by the previous employer that you included on line 1. If the first employer paid \$7,000 or more to the employee, also include on line 3 all the wages you paid to that employee. If the first employer did not pay at least \$7,000 to the employee, subtract what the first employer paid from \$7,000. Then subtract that result from the wages you paid to the employee, and include any result on line 3. See section 3306(b)(1) and Regulations section 31.3306(b)(1)-1(b).

Line 5 — Total taxable wages. This is the total amount subject to FUTA tax. Use this amount in Part II to compute the gross FUTA tax and the maximum credit.

Part II — Tax Due or Refund

Line 1 — Gross FUTA tax. Multiply the total taxable wages in Part I, line 5, by .062. This is the maximum amount of FUTA tax.

Line 2 — Maximum credit. Multiply the total taxable wages in Part I, line 5, by .054. This is the maximum credit against FUTA tax for state contributions.

Line 3 — Computation of tentative credit. You must complete all applicable columns to receive any credit. Your state will provide an experience rate. If you have been assigned an experience rate of 0% or more, but less than 5.4%, for all or part of the year, use columns (a) through (i). If you have **not** been assigned any experience rate, use columns (a), (b), (c), and (i) only. If you have been assigned a rate of 5.4% or higher, use columns (a), (b), (c), (d), (e), and (i) only. If you were assigned an experience rate for only part of the year or the rate was changed during the year, complete a separate line for each rate period.

If you need additional lines, attach a separate statement with a similar format. Also, if you are a successor employer, see **Special credit for successor employers**, on page 3.

Column (a). Enter the two-letter abbreviation for the state(s) to which you were required to pay contributions (including the District of Columbia, Puerto Rico, and the U.S. Virgin Islands).

Column (b). Enter the state reporting number assigned to you when you registered as an employer with each state. Failure to enter the correct number may result in unnecessary correspondence.

Column (c). Enter the state taxable payroll on which you must pay state unemployment taxes for each state shown in column (a). If your experience rate is 0%, enter the wages that would have been subject to state unemployment tax if the 0% rate had not been granted.

Column (d). Enter the beginning and ending dates of the experience rate shown in column (e).

Column (e). Enter your state experience rate—the rate the state assigned to you for paying your state unemployment tax. This rate may change based on your “experience” with the state unemployment fund, for example, because of unemployment compensation paid to your former employees. If you do not know your experience rate, contact your state unemployment insurance service. The state experience rate can be stated as a percent or as a decimal.

Column (f). Multiply the amount in column (c) by .054.

Column (g). Multiply the amount in column (c) by the rate in column (e).

Column (h). Subtract column (g) from column (f). If zero or less, enter -0-. This additional credit is the difference between 5.4% and your state experience rate.

Column (i). Enter the contributions **actually paid** to the state unemployment fund **by the due date** for filing Form 940. **Do not** include amounts you are required to pay but have not paid by the due date (see **When To File** on

page 1). If you are **filing Form 940 after the due date**, include only payments made by the return due date, and see the instructions and worksheet under line 6 below. If you are **claiming excess credits** as payments of state unemployment contributions, attach a copy of the letter from your state. **Do not** include any penalties, interest, or special administrative taxes (such as surcharges, employment and training taxes, excise tax, and assessments, which are generally listed as a separate item on the state's quarterly wage report) not included in the experience rate assigned to you.

Line 3a — Totals. Enter the totals of columns (c), (h), and (i).

Line 3b — Total tentative credit. Add line 3a, columns (h) and (i) only. As noted above, column (i) includes **only** payments to your state unemployment fund that you made by the due date for filing Form 940. Payments made after the due date are eligible for a reduced credit and will appear on line 6 as described below.

Line 6 — Credit. This is the credit allowable for your payments to state unemployment funds. If you made no late state contributions, enter the smaller of the amount in Part II, line 2 or line 3b. If you do not have to make payments to the state, enter zero on this line.

Note: *If any any state contributions were made after the Form 940 due date (see **When To File** on page 1), your credit for late contributions is limited to 90% of the amount that would have been allowable as a credit if such contributions were paid on or before the Form 940 due date.*

Only taxpayers who made late contributions should complete the worksheet below.

Worksheet for Credit Computation if Any State Contributions Were Paid After the Due Date for Filing Form 940	
A.	Enter the amount from Form 940, Part II, line 2 _____
B.	Enter the amount from Form 940, Part II, line 3b, if any. _____
C.	Subtract line B from line A. If less than zero, enter -0- _____
D.	Enter total contributions paid to the states after the Form 940 due date. _____
E.	Enter the smaller of lines C or D. _____
F.	Multiply line E by .90 (90%) _____
G.	Add lines B and F _____
H.	Enter the smaller of the amount on line G or A here, and on Form 940, Part II, line 6 _____

Example: You paid \$1,500 of state contributions by the Form 940 due date and \$1,000 after that date. Your maximum credit on Form 940, Part II, line 2 is \$2,000; and your tentative credit on line 3b is \$1,500. The maximum credit less the tentative credit is \$500. If you had paid the \$1,000 state contributions on time, you would have been allowed an additional amount of credit of only \$500 not the full \$1,000. Therefore, the credit for the late contributions is limited to 90% of \$500. You complete the worksheet as shown on page 6.

A. Enter the amount from Form 940, Part II, line 2	\$2,000
B. Enter the amount from Form 940, Part II, line 3b, if any.	1,500
C. Subtract line B from line A. If less than zero, enter -0-	500
D. Enter total contributions paid to the states after the Form 940 due date.	1,000
E. Enter the smaller of lines C or D.	500
F. Multiply line E by .90 (90%)	450
G. Add lines B and F	1,950
H. Enter the smaller of the amount on line G or A here, and on Form 940, Part II, line 6	1,950

Enter \$1,950 from line H of the worksheet on Form 940, Part II, line 6. This is the allowable credit for your contributions to the state unemployment fund.

Line 9 — Balance due. Make your check or money order payable to the "United States Treasury". Write your EIN, "Form 940", and "1998" on your check or money order. Enter the amount of the payment in box 1 on Form 940-V at the bottom of Form 940. If the employer information is not preprinted on the payment voucher, enter the requested information. If the amount on line 9 is under \$1, you do not have to pay it. On payments over \$100, see **How to deposit** on page 3.

Line 10 — Overpayment. If the amount on line 10 is under \$1, we will send a refund or apply it to your next return only on written request.

Part III — Record of Quarterly Federal Unemployment Tax Liability

Complete this part only if your FUTA tax on line 6 is over \$100. To figure your FUTA tax liability for each quarter, multiply by .008 that part of the first \$7,000 of each employee's annual wages you paid during the quarter. Enter the result in the space for that quarter. Your total liability ("Total for year") must equal your total tax shown in Part II, line 7.

Record your liability based on when you pay wages, not on when you deposit the FUTA tax. For example, if you

pay wages on March 29, your FUTA tax liability on those wages is \$200, and you deposit the \$200 on April 30, you would record that \$200 in the first quarter, not in the second.

Privacy Act and Paperwork Reduction Act Notice.

We ask for the information on this form to carry out the Internal Revenue laws of the United States. We need it to figure and collect the right amount of tax. Chapter 23, Federal Unemployment Tax Act, of Subtitle C, Employment Taxes, of the Internal Revenue Code imposes a tax on employers with respect to employees. This form is used to determine the amount of the tax that you owe. Section 6011 requires you to provide the requested information if you are liable for FUTA tax under section 3301. Section 6109 requires you to provide your employer identification number (EIN).

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia for use in administering their tax laws. If you fail to provide this information in a timely manner, you may be subject to penalties and interest.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping**, 11 hr., 29 min.; **Learning about the law or the form**, 1hr., 5 min.; **Preparing and sending the form to the IRS**, 1hr., 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the tax form to this office. Instead, see **Where To File** on page 2.