

2011



Department of the Treasury
Internal Revenue Service

Instructions for Form 943

Employer's Annual Federal Tax Return for Agricultural Employees

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

What's New

Form 943 webpage. The IRS has created a page on IRS.gov for information about Form 943 and its instructions, at www.irs.gov/form943. Information about any recent developments affecting Form 943 will be posted on that page.

Qualified employer's social security tax exemption expired. The qualified employer's exemption for their share (6.2%) of social security tax on wages paid to qualified employees expired on December 31, 2010.

Social security and Medicare tax for 2011. The employee tax rate for social security is 4.2%. The employer tax rate for social security remains unchanged at 6.2%. The Medicare tax rate is 1.45% for employers and employees.

Do not withhold or pay social security tax after an employee reaches \$106,800 in social security wages for the year. There is no limit on the amount of wages subject to Medicare tax.

COBRA premium assistance credit. The credit for COBRA premium assistance payments applies to premiums paid for employees involuntarily terminated between September 1, 2008, and May 31, 2010, and to premiums paid for up to 15 months. See *COBRA Premium Assistance Payments*, later.

Advance payment of earned income credit (EIC). The option of receiving advance payroll payments of EIC expired on December 31, 2010. Individuals eligible for EIC in 2011 can still claim the credit when they file their 2011 federal income tax return.

Compensation paid to H-2A visa holders. Beginning in 2011, compensation of \$600 or more paid to foreign agricultural workers who entered the country on H-2A visas is reported in box 1 of Form W-2, Wage and Tax Statement. Compensation paid to H-2A workers for agricultural labor performed in connection with this visa is not subject to social security and Medicare taxes, and therefore should not be reported as wages subject to social security tax (line 2) or Medicare tax (line 4) on Form 943, and should not be reported as social security wages (box 3) or Medicare wages (box 5) on Form W-2.

An employer is not required to withhold federal income tax from compensation it pays to an H-2A worker for agricultural labor performed in connection with this visa unless the worker asks for withholding and the employer agrees. In this case, the worker must give the employer a completed Form W-4, Employee's Withholding Allowance Certificate. Federal income tax withheld should be reported on line 6 of Form 943 and in box 2 of Form W-2. These reporting rules apply when the H-2A worker provides his or her taxpayer identification number (TIN) to the employer. For the rules relating to backup withholding and reporting when the H-2A worker does not

provide a TIN, see the Instructions for Form 1099-MISC and the Instructions for Form 945.

Social security wage base for 2012. The maximum amount of wages subject to the social security tax for 2012 will be discussed in the December 2011 revision of Publication 51 (Circular A), *Agricultural Employer's Tax Guide*.

Federal tax deposits must be made by electronic funds transfer. Beginning January 1, 2011, you must use electronic funds transfer to make all federal tax deposits (such as employment tax, excise tax, and corporate income tax). Forms 8109 and 8109-B, Federal Tax Deposit Coupon, cannot be used after December 31, 2010. Generally, electronic funds transfers are made using the Electronic Federal Tax Payment System (EFTPS). If you do not want to use EFTPS, you can arrange for your tax professional, financial institution, payroll service, or other trusted third party to make deposits on your behalf. Also, you may arrange for your financial institution to initiate a same-day wire payment on your behalf. EFTPS is a free service provided by the Department of Treasury. Services provided by your tax professional, financial institution, payroll service, or other third party may have a fee.

For more information on making tax deposits, see section 7 of Pub. 51 (Circular A). To get more information about EFTPS or to enroll in EFTPS, visit the EFTPS website at www.eftps.gov, or call 1-800-555-4477. Additional information about EFTPS is also available in Pub. 966, *The Secure Way to Pay Your Federal Taxes*.

Change of address. Beginning in 2012, employers must use new Form 8822-B, *Change of Address—Business*, for any address change.

Reminders

Correcting a previously filed Form 943. If you discover an error on a previously filed Form 943, make the correction using Form 943-X, *Adjusted Employer's Annual Federal Tax Return for Agricultural Employees or Claim for Refund*. Form 943-X is filed separately from Form 943. For more information, see section 9 of Pub. 51 (Circular A), or visit IRS.gov and enter the keywords *Correcting Employment Taxes*.

Paid preparers must sign Form 943. Paid preparers must complete and sign the paid preparer's section of Form 943.

Employer's liability. Employers are responsible to ensure that tax returns are filed and deposits and payments are made, even if the employer contracts with a third party. The employer remains liable if the third party fails to perform a required action.

Credit or debit card payments. Employers can pay the balance due shown on Form 943 by credit or debit card. **Do not** use a credit or debit card to make federal tax deposits. For more information on paying your taxes with

a credit or debit card, visit the IRS website at www.irs.gov/e-pay.

Disregarded entities and qualified subchapter S subsidiaries (QSubs). The IRS has published final regulations section 301.7701(c)(2)(iv) under which QSubs and eligible single-owner disregarded entities are treated as separate entities for employment tax purposes. For more information, see *Disregarded entities and qualified subchapter S subsidiaries* in Pub. 15 (Circular E), Employer's Tax Guide.

How to get forms and publications. You can get most IRS forms and publications by visiting IRS.gov or by calling the IRS at 1-800-TAX-FORM (1-800-829-3676).

Telephone help. You can call the IRS Business and Specialty Tax Line toll free at 1-800-829-4933 on Monday through Friday for answers to your questions about completing Form 943, tax deposit rules, or obtaining an employer identification number (EIN).

Photographs of Missing Children

The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in instructions on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling 1-800-THE-LOST (1-800-843-5678) if you recognize a child.

General Instructions

Form 943 webpage. For more information about the latest developments on Form 943 and its instructions, go to www.irs.gov/form943.

Purpose of Form 943

Use Form 943 to report federal income tax withheld and employer and employee social security and Medicare taxes on wages paid to farmworkers.

If you have household employees working in your private home on your farm operated for a profit, they are not considered to be farm employees. To report social security, Medicare, and federal income tax withholding on the wages of household employees, you may either:

- File Schedule H (Form 1040), Household Employment Taxes, with your Form 1040, or
- Include the wages with your farm employees' wages on Form 943.

If you paid wages to a household employee in a home that is not on a for-profit farm, you must report the taxes on Schedule H (Form 1040). If you paid wages to other nonfarm workers, do not report these on Form 943. Taxes on wages paid to nonfarm workers are reported on Form 941/941-SS, Employer's QUARTERLY Federal Tax Return, or Form 944/944-SS, Employer's ANNUAL Federal Tax Return. See Pub. 926, Household Employer's Tax Guide, for more information about household employees.

Who Must File

File Form 943 if you paid wages to one or more farmworkers and the wages were subject to social security and Medicare taxes or federal income tax withholding under the tests discussed below. For more information on farmworkers and wages, see Pub. 51 (Circular A).

The \$150 Test or the \$2,500 Test

All cash wages that you pay to farmworkers are subject to social security and Medicare taxes and federal income tax withholding for any calendar year that you meet either of the tests listed below.

- You pay an employee cash wages of \$150 or more in a year for farmwork.
- The total (cash and noncash) wages that you pay to all farmworkers is \$2,500 or more.

If the \$2,500-or-more test for the group is not met, the \$150-or-more test for an individual still applies.

Exceptions. Special rules apply to certain hand-harvest laborers who receive less than \$150 in annual cash wages. For more information, see section 4 of Pub. 51 (Circular A).

When to File

For 2011, file Form 943 by January 31, 2012. However, if you made deposits on time in full payment of the taxes due for the year, you may file the return as late as February 10, 2012.

Final Return

If you stop paying wages during the year and do not expect to pay wages again, file a final return for 2011. Be sure to mark the box above line 1 on the form indicating that you do not have to file returns in the future. If you later become liable for any of the taxes, notify the IRS.

Forms W-2 and W-3

By January 31, 2012, give Form W-2, Wage and Tax Statement, to each employee who was working for you at the end of 2011. If an employee stops working for you before the end of the year, give him or her Form W-2 any time after employment ends but no later than January 31 of the following year. If the employee asks you for Form W-2, give him or her the completed form within 30 days of the request or the last wage payment, whichever is later.

Compensation paid to H-2A visa holders.

Compensation of \$600 or more paid to foreign agricultural workers who entered the country on H-2A visas is reported in box 1 of Form W-2. Compensation paid to H-2A workers for agricultural labor performed in connection with H-2A visas is not subject to social security and Medicare taxes, and therefore should not be reported as wages subject to social security tax (line 2) or Medicare tax (line 4) on Form 943, and should not be reported as social security wages (box 3) or Medicare wages (box 5) on Form W-2.

An employer is not required to withhold federal income tax from compensation it pays to an H-2A worker for agricultural labor performed in connection with this visa unless the worker asks for withholding and the employer agrees. In this case, the worker must give the employer a completed Form W-4, Employee's Withholding Allowance Certificate. Federal income tax withheld is reported on line 6 of Form 943 and in box 2 of Form W-2. These reporting rules apply when the H-2A worker provides his or her taxpayer identification number (TIN) to the employer. For the rules relating to backup withholding and reporting when the H-2A worker does not provide a TIN, see the Instructions for Form 1099-MISC and the Instructions for Form 945.

Filing on paper forms. By February 29, 2012, send Copy A of all Forms W-2 with Form W-3, Transmittal of Wage and Tax Statements, to the Social Security Administration (SSA) if you are filing less than 250 paper Forms W-2. The mailing address can be found on Form W-3 under *Where to File Paper Forms*. If you are required to file 250 or more Forms W-2, you must file them electronically unless the IRS granted you a waiver. Even if you are required to file less than 250 Forms W-2, we encourage you to take advantage of electronic filing.

Filing electronically. Visit the SSA's Employer W-2 Filing Instructions and Information website at www.socialsecurity.gov/employer for information about filing Forms W-2 electronically. If you file electronically, the due date is April 2, 2012. The SSA no longer accepts any form of magnetic media for wage reporting.

Where to File

Find the state of your legal residence, principal place of business, office, or agency in the table that follows. Send your return to the address listed for your location.

Note. Where you file depends on whether or not you are including a payment. Be sure to use the correct address.

If you are in . . .	Without a payment . . .	With a payment . . .
Connecticut	New Jersey	Department of the Internal Revenue Service
Delaware	New York	Treasury
District of Columbia	North Carolina	Internal Revenue Service
Georgia	Ohio	Cincinnati, OH 45280-4523
Illinois	Pennsylvania	Cincinnati, OH 45999-0008
Indiana	Rhode Island	
Kentucky	South Carolina	
Maine	Tennessee	
Maryland	Vermont	
Massachusetts	Virginia	
Michigan	West Virginia	
New Hampshire	Wisconsin	
Alabama	Missouri	Department of the Internal Revenue Service
Alaska	Montana	Treasury
Arizona	Nebraska	Internal Revenue Service
Arkansas	Nevada	Service
California	New Mexico	Ogden, UT 84201-0008
Colorado	North Dakota	
Florida	Oklahoma	
Hawaii	Oregon	
Idaho	South Dakota	
Iowa	Texas	
Kansas	Utah	
Louisiana	Washington	
Minnesota	Wyoming	
Mississippi		
No legal residence or principal place of business in any state:	Internal Revenue Service	Internal Revenue Service
	P.O. Box 409101	P.O. Box 105274
	Ogden, UT 84409	Atlanta, GA 30348-5274
If you are filing Form 943 for an exempt organization or government entity (federal, state, local, or Indian tribal government), use the following addresses regardless of your location:	Department of the Treasury	Internal Revenue Service
	Internal Revenue Service	P.O. Box 105085
	Service	Atlanta, GA 30348-5085
	Ogden, UT 84201-0008	

Reconciliation of Form 943 to Forms W-2 and W-3

Certain amounts reported on Form 943 for 2011 should agree with the Form W-2 totals reported on the 2011

Form W-3. The amounts from Form 943 that should agree with the related boxes on Form W-3 are: federal income tax withheld (line 6 versus box 2), social security wages (line 2 versus box 3), and Medicare wages (line 4 versus box 5). If the totals do not agree, the IRS or SSA may require you to explain any differences and correct any errors. Keep all records that show why the totals do not match. For more information, see section 12 of Pub. 51 (Circular A).

Depositing Taxes

If your total taxes after adjustments (line 9) are less than \$2,500 for the year, you can pay the tax due with your return if you file on time. If your total taxes after adjustments are \$2,500 or more for the year, you must make deposits by electronic funds transfer throughout the year in accordance with your deposit schedule. There are two deposit schedules—monthly or semiweekly—for determining when you must deposit. Before the beginning of each calendar year, you must determine which of the two deposit schedules you must use. See section 7 of Pub. 51 (Circular A) for information and rules concerning federal tax deposits and to determine your status as a monthly or semiweekly schedule depositor.

Penalties and Interest

You can avoid paying penalties and interest if you do all of the following.

- Deposit or pay your taxes when they are due.
- File your fully completed Form 943 on time.
- Report your tax liability accurately.
- Submit valid checks for tax payments.
- Furnish accurate Forms W-2 to employees.
- File Form W-3 and Copies A of Form W-2 with the Social Security Administration (SSA) on time and accurately.

Penalties and interest are charged on taxes paid late and returns filed late at a rate set by law. See section 8 of Pub. 51 (Circular A) for details.

If you receive a notice about penalties and interest after you file this return, send us an explanation and we will determine if you meet reasonable-cause criteria. Do **not** attach an explanation when you file your return.

Use Form 843, Claim for Refund and Request for Abatement, to request abatement of assessed penalties or interest. Do not request abatement of assessed penalties or interest on Form 943 or Form 943-X.



If federal income, social security, and Medicare taxes that must be withheld (that is, trust fund taxes) are not withheld or are not paid to the United States Treasury, the trust fund recovery penalty may apply. The penalty is 100% of the unpaid trust fund tax. This penalty may apply to you if these unpaid taxes cannot be immediately collected from the employer or business. The trust fund recovery penalty may be imposed on all persons who are determined by the IRS to be responsible for collecting, accounting for, and paying over these taxes, and who acted willfully in not doing so. See section 7 of Pub. 51 (Circular A) for more information.

Specific Instructions

State Code

Beginning January 1, 2011, the IRS will use business days to determine the timeliness of deposits. Business days are any day that is not a Saturday, Sunday, or legal holiday in the District of Columbia. Legal holidays in the District of Columbia for 2011 are listed below.

- January 17— Birthday of Martin Luther King, Jr.
- February 21— Washington's Birthday
- April 15— District of Columbia Emancipation Day
- May 30— Memorial Day
- July 4— Independence Day
- September 5— Labor Day
- October 10— Columbus Day
- November 11— Veterans' Day
- November 24— Thanksgiving Day
- December 26— Christmas Day (observed)

To provide transitional relief for 2011, the IRS will not assert penalties for federal tax deposits due during calendar year 2011 that are untimely solely because the depositor treated a statewide legal holiday as if it were a legal holiday in the District of Columbia. See Notice 2010-87, 2010-52 I.R.B. 908, available at www.irs.gov/irb/2010-52_IRB/ar12.html.

If you made your deposits by electronic funds transfers in a state other than that shown in your address on Form 943, enter the state code for the state where you initiated the electronic funds transfers in the box provided in the upper-left corner of Form 943. Use the two-letter U.S. Postal Service state abbreviation as the state code. Enter the code "MU" in the state code box if you deposit in more than one state. If you deposit in the same state as shown in your address, do not make an entry in this box. If you receive a notice because you treated a statewide legal holiday as if it were a legal holiday in the District of Columbia, respond to the notice citing the statewide legal holiday and applicable deposit amount.



Legal holidays in the District of Columbia are provided in Pub. 509, Tax Calendars, and Pub. 51 (Circular A).

Line 1. Number of Agricultural Employees

Enter the number of agricultural employees on your payroll during the pay period that included March 12, 2011. Do not include household employees, persons who received no pay during the pay period, pensioners, or members of the Armed Forces.

An entry of 250 or more on line 1 indicates that you must file Forms W-2 electronically. Call the SSA at 1-800-772-6270 or visit the SSA's Employer W-2 Filing Instructions and Information website at www.socialsecurity.gov/employer for more information about filing electronically.

Line 2. Total Wages Subject to Social Security Tax

Enter the total cash wages subject to social security tax that you paid to your employees for farmwork during the calendar year. Enter the amount before deductions. Cash wages include checks, money orders, etc. Do not include the value of noncash items, such as food or lodging, or

pay for services other than farmwork. See *Purpose of Form 943*, earlier, for household employee information. See section 3 of Pub. 51 (Circular A) for information on taxable wages.

For 2011, the rate of social security tax on taxable wages is 6.2% (.062) for the employer and 4.2% (.042) for the employee or 10.4% (.104) for both. Do not report an employee's social security wages over \$106,800 for 2011. If you, as a qualifying employer, receive an approved Form 4029, Application for Exemption From Social Security and Medicare Taxes and Waiver of Benefits, from one or more of your employees, write "Form 4029" to the right of the entry space.

Line 4. Total Wages Subject to Medicare Tax

Enter the total cash wages subject to Medicare tax that you paid to your employees for farmwork during the calendar year. Enter the amount before deductions. Do not include the value of noncash items, such as food or lodging, or pay for services other than farmwork. There is no limit on the amount of wages subject to Medicare tax. If you, as a qualifying employer, receive an approved Form 4029 from one or more of your employees, write "Form 4029" to the right of the entry space.

Line 6. Federal Income Tax Withheld

Enter federal income tax withheld on wages paid to your employees. Generally, you must withhold federal income tax from employees from whom you withhold social security and Medicare taxes. See sections 5 and 13 of Pub. 51 (Circular A) for more information on withholding rules.

Line 7. Total Taxes Before Adjustments

Add the total social security tax (line 3), Medicare tax (line 5), and federal income tax withheld (line 6). Enter the result on line 7.

Line 8. Adjustments to Taxes

Use line 8 to:

- Adjust for rounding of fractions of cents.
- Adjust for the uncollected employee share of social security and Medicare taxes on third-party sick pay or group-term life insurance premiums paid for former employees. See section 9 in Pub. 51 (Circular A).

Use a minus sign (if possible) to show a decrease to the amounts reported on lines 3 or 5. Otherwise, use parentheses.

Current year adjustment, fractions of cents. If there is a small difference between total taxes after adjustments (line 9) and total deposits (line 10), it may be caused by rounding to the nearest cent each time you computed payroll. This rounding occurs when you figure the amount of social security and Medicare tax to be withheld from each employee's wages. If the fractions of cents adjustment is the only entry on line 8, write "Fractions Only" on the dotted line to the left of the entry space for line 8.

Increases and decreases in tax liability. Because any amount shown on line 8 increases or decreases your tax liability, the adjustment must also be included on your Monthly Summary of Federal Tax Liability on Form 943

(line 15) or Form 943-A, Agricultural Employer's Record of Federal Tax Liability. For details on how to report adjustments on the Monthly Summary of Federal Tax Liability, see the instructions for line 15. For details on how to report adjustments on Form 943-A (for use by semiweekly depositors only), see the Form 943-A instructions.

Line 9. Total Taxes After Adjustments

Combine lines 7 and 8; enter the result on line 9.

Line 10. Total Deposits

Enter your total Form 943 deposits for the year, including any overpayment that you applied from filing Form 943-X and any overpayment that you applied from your 2010 return.

Line 11a. COBRA Premium Assistance Payments

Report on this line 65% of the COBRA premiums for assistance eligible individuals. Take the COBRA premium assistance credit on this line only after the assistance eligible individual's 35% share of the premium has been paid. For COBRA coverage provided under a self-insured plan, COBRA premium assistance is treated as having been made for each assistance eligible individual who pays 35% of the COBRA premium. Do not include the assistance eligible individual's 35% of the premium in the amount entered on this line. For more information on the COBRA premium assistance credit, visit IRS.gov and enter the keyword *COBRA*.



The amount reported on line 11a is treated as a deposit of taxes on the first day of your return period and must not be used to adjust line 15 or Form 943-A.

Line 11b. Number of Individuals Provided COBRA Premium Assistance on Line 11a

Enter the total number of individuals provided COBRA premium assistance payments reported on line 11a. Count each assistance eligible individual who paid a reduced COBRA premium during the year as one individual, whether or not the reduced premium was for insurance that covered more than one assistance eligible individual. For example, if the reduced COBRA premium was for coverage for a former employee, spouse, and two children, you would include one individual in the number entered on line 11b for the premium assistance. Further, each individual is reported only once per year. For example, an assistance eligible individual who made monthly premium payments would only be reported as one individual.

Line 13. Balance Due

You do not have to pay if line 13 is under \$1. Generally, you should show a balance due on line 13 only if your total taxes after adjustments for the year (line 9) is less than \$2,500. However, see section 7 of Pub. 51 (Circular A) regarding payments made under the accuracy of deposits rule.

You may pay the amount shown on line 13 using electronic funds transfer, a credit or debit card, or a check or money order. **Do not** use a credit or debit card

to pay taxes that were required to be deposited. For more information on paying your taxes with a credit or debit card, see *Credit or debit card payments*, earlier.

If you pay by electronic funds transfer or credit or debit card, file your return using the *Without a payment* address under *Where to File*, earlier. **Do not** file Form 943-V, Payment Voucher.

If you pay by check or money order, make it payable to the *United States Treasury*. Enter your EIN, Form 943, and the tax period on your check or money order. Complete Form 943-V and enclose with Form 943.



If you did not make deposits as required and instead pay the taxes with Form 943, you may be subject to a penalty.

Line 14. Overpayment

If you deposited more than the correct amount for the year, you can have the overpayment refunded or applied to your next return by checking the appropriate box on line 14.



If line 14 is under \$1, we will send you a refund or apply it to your next return only on written request.

Line 15. Monthly Summary of Federal Tax Liability

This is a summary of your yearly tax liability, not a summary of deposits made. If line 9 is less than \$2,500, **do not** complete line 15 or Form 943-A.

Complete line 15 only if you were a **monthly schedule depositor** for the entire year and line 9 is \$2,500 or more. The amount entered on line 15M must equal the amount reported on line 9. See section 7 of Pub. 51 (Circular A) for details on the deposit rules. You are a monthly schedule depositor for the calendar year if the amount of your Form 943 taxes (line 9) reported for the lookback period is not more than \$50,000. The lookback period is the second calendar year preceding the current calendar year. For example, the lookback period for 2012 is 2010.



If you were a semiweekly schedule depositor during any part of the year, do not complete line 15. Instead, complete Form 943-A.

Reporting adjustments on line 15. If your net adjustment during a month is negative and it exceeds your total liability for the month, do not enter a negative amount for the month. Instead, enter "-0-" for the month and carry over the unused portion of the adjustment to the next month.

Additional Information

Pub. 51 (Circular A) has information that you may need about social security, Medicare, federal unemployment (FUTA), and withheld federal income taxes. It includes tables showing the federal income tax to withhold from an employee's wages.

Third-Party Designee

If you want to allow an employee, a paid tax preparer, or another person to discuss your Form 943 with the IRS, check the "Yes" box in the "Third-Party Designee" section. Then tell us the name, phone number, and the

five-digit personal identification number (PIN) of the specific person to speak with—not the name of the firm who prepared your tax return. The designee may choose any five numbers as his or her PIN.

By checking “Yes,” you authorize the IRS to talk to the person you named (your designee) about any questions we may have while we process your return. You also authorize your designee to:

- Give us any information that is missing from your return,
- Call us for information about processing your return, and
- Respond to certain IRS notices that you have shared with your designee about math errors and return preparation. The IRS will not send notices to your designee.

You are not authorizing your designee to bind you to anything (including additional tax liability) or to otherwise represent you before the IRS. If you want to expand your designee’s authorization, see Pub. 947, Practice Before the IRS and Power of Attorney.

The authorization will automatically expire 1 year from the due date (without regard to extensions) for filing your Form 943. If you or your designee wants to terminate the authorization, write to the IRS office for your locality using the *Without a payment* address under *Where to File*, earlier.

Who Must Sign

Form 943 must be signed as follows:

- **Sole proprietorship**—The individual who owns the business.
- **Corporation (including a limited liability company (LLC) treated as a corporation)**— The president, vice president, or other principal officer duly authorized to sign.
- **Partnership (including an LLC treated as a partnership) or unincorporated organization**— A responsible and duly authorized partner, member, or officer having knowledge of its affairs.
- **Single member LLC treated as a disregarded entity for federal income tax purposes**— The owner of the LLC or a principal officer duly authorized to sign.
- **Trust or estate**—The fiduciary.

Form 943 may also be signed by a duly authorized agent of the taxpayer if a valid power of attorney has been filed.

Alternative signature method. Corporate officers or duly authorized agents may sign Form 943 by rubber stamp, mechanical device, or computer software program. For details and required documentation, see Rev. Proc. 2005-39. You can find Rev. Proc. 2005-39 on page 82 of Internal Revenue Bulletin 2005-28 at www.irs.gov/irb/2005-28_IRB/ar16.html.

Paid Preparer Use Only

A paid preparer must sign Form 943 and enter the information requested in the *Paid Preparer Use Only* section if the preparer was paid to prepare Form 943 and

is not an employee of the filing entity. Paid preparers must sign paper returns with a manual signature. The preparer must give you a copy of the return in addition to the copy to be filed with the IRS.

If you are a paid preparer, enter your Preparer Tax Identification Number (PTIN) in the space provided. Include your complete address. If you work for a firm, enter the firm’s name and the EIN of the firm. You can apply for a PTIN online or by filing Form W-12, IRS Paid Preparer Tax Identification Number (PTIN) Application and Renewal. For more information about applying for a PTIN online, visit the IRS website at www.irs.gov/ptin. You cannot use your PTIN in place of the EIN of the tax preparation firm.

Generally, do not complete this section if you are filing Form 943 as a reporting agent and have a valid Form 8655, Reporting Agent Authorization, on file with the IRS. However, a reporting agent must complete this section if the reporting agent offered legal advice, for example, advising the client on determining whether its workers are employees or independent contractors for federal tax purposes.

Privacy Act and Paperwork Reduction Act Notice.

We ask for the information on Forms 943, 943-A, and 943-V to carry out the Internal Revenue laws of the United States. We need it to figure and collect the right amount of tax. Subtitle C, Employment Taxes, of the Internal Revenue Code imposes employment taxes on wages, including income tax withholding. These forms are used to report the amount of taxes that you owe. Section 6011 requires you to provide the requested information if the tax applies to you. Section 6109 requires you to provide your identification number. If you fail to provide this information in a timely manner, or provide false or fraudulent information, 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. However, section 6103 allows or requires us to disclose this information to others as described in the Code. We may disclose your tax information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. commonwealths and possessions to administer their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. If you fail to provide this information in a timely manner, or provide incomplete or false information, you may be liable for interest and penalties.

The time needed to complete and file these forms will vary depending on individual circumstances. The estimated average time for **Form 943** is: Recordkeeping, 10 hr., 45 min.; Learning about the law or the form, 30 min.; Preparing and sending the form to the IRS, 42 min. The estimated average time for **Form 943-A** is: Recordkeeping, 6 hr., 42 min.; Preparing and sending the form to the IRS, 6 min. The estimated average time for **Form 943-V** is 14 min. If you have comments concerning the accuracy of these time estimates or suggestions for

making these forms simpler, we would be happy to hear from you. You can email us at taxforms@irs.gov. Enter "Form 943 Comment" on the subject line. Or write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:M:S, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. **Do not** send Form 943 to this address. Instead, see *Where to File*, earlier.
