



September 28, 2023

The Honorable Janette L. Yellen
Secretary of the Treasury
Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

The Honorable Daniel I. Werfel
Commissioner
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

RE: IRS Contingency Plan for Current 2023 Extended Filing Season and Upcoming 2024 Filing Season and Possible Government Shutdown on October 1, 2023

Dear Secretary Yellen and Commissioner Werfel:

The American Institute of CPAs (AICPA) urges the Internal Revenue Service (IRS or “Service”) to announce as soon as possible the contingency plan that would be in effect in the event of a government shutdown on October 1, 2023. We also urge the Service to base any decision to furlough IRS employees on a broader interpretation of the Office of Management and Budget guidance to include not only the government’s safety of human life and protection of property but also for the taxpayer, thereby excepting IRS employees. We believe that tax practitioners, a critical stakeholder and partner with the IRS, should have the opportunity to provide feedback on, as well as prepare for, the IRS’s plan, and possibly advise their clients on potential consequences of a shutdown.

We are concerned that an October government shutdown will likely impact the timely processing of extended 2022 tax returns due by October 16, 2023, tax-exempt organization returns due November 15, 2023, and expatriate tax returns due December 15, 2023, as has happened previously with prior government shutdowns. In addition, the upcoming 2024 filing season, which normally would start mid-January 2024, may also be delayed due to a shutdown.

The AICPA would welcome an opportunity to provide the Service input in its consideration and prioritization of issues, services, and functions that taxpayers and practitioners are likely to need during the extended 2023 and upcoming 2024 tax filing season. For example, we are deeply concerned that a government shutdown with the IRS operating at only a fraction of what is deemed to be its essential workforce¹ would result in a huge strain on taxpayers and practitioners. The shutdown may affect a taxpayer’s and a tax practitioner’s ability to timely file tax returns, pay taxes, obtain refunds, address automated collection notices, audit issues, or contact the IRS with questions.

We hope that, in the event of an October 2023 government shutdown, the government is able to retain more essential IRS employees during the extended and upcoming filing season than occurred in prior

¹NTEU [announced](#) that the IRS furloughing some of its workforce. Under the [fiscal 2022 shutdown plan](#) (the most recent prior to the Inflation Reduction Act), approximately 32,000 employees were deemed essential and the IRS projected it would furlough about 50,000 of its approximately 82,000 employees during a government shutdown. If a shutdown continued, IRS indicated it would bring back about 15,000 employees to help with the filing season.

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government shutdowns. For example, the Taxpayer Advocate was considered non-essential in prior shutdowns, resulting in 3,902 levies on Social Security benefits, 5,455 levies on financial or other accounts, 7,025 wage levies, and 4,099 Notices of Federal Tax Liens.² Taxpayers need this avenue available to them when faced with hardships in the midst of a government shutdown.

We recognize that processing of tax returns and collection of money is a critical government function that should continue regardless of a government shutdown. Therefore, at a minimum, taxpayers should have recourse to protect their rights and property. The IRS keeping more essential positions working during the shutdown would help make the 2023 extended filing season operate as smoothly as possible and allow for a smooth start to the 2024 filing season.

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The AICPA is the world's largest member association representing the accounting profession, with more than 421,000 members in the United States and worldwide, and a history of serving the public interest since 1887. Our members advise clients on federal, state, and international tax matters and prepare income and other tax returns for millions of Americans. Our members provide services to individuals, not-for-profit organizations, small and medium-sized businesses, as well as America's largest businesses.

The AICPA welcomes an opportunity to provide Treasury and the IRS input in their further consideration and prioritization of issues, services, and functions that taxpayers and tax practitioners need during the filing season. If you have any questions, please contact Eileen Sherr, AICPA Director of Tax Policy & Advocacy at (202) 43409256 or Eileen.Sherr@aicpa-cima.com; Lauren Pfungstag, AICPA Director of Congressional & Political Affairs, at (407) 257-0607, or Lauren.Pfungstag@aicpa-cima.com; or me at (830) 372-9692 or Bvickers@alamo-group.com.

Sincerely,



Blake Vickers, CPA, CGMA
Chair, AICPA Tax Executive Committee

cc: The Honorable Charles E. Schumer, Senate Majority Leader, U.S. Senate
The Honorable Kevin O. McCarthy, Speaker of the House, U.S. House of Representatives
The Honorable Mitchell A. McConnell, Senate Minority Leader, U.S. Senate
The Honorable Hakeem S. Jeffries, House Minority Leader, U.S. House of Representatives
Members of the House Committee on Ways and Means
Members of the Senate Committee on Finance
The Honorable Lily Batchelder, Assistant Secretary for Tax Policy, Department of the Treasury

² Taxpayer Advocate Service, "Fiscal Year 2015 Objectives, Section Two, Areas of Focus, [The IRS's Decision Not to Except Any TAS Employees During the Government Shutdown Resulted in Violations of Taxpayer Rights and Undermined TAS's Statutory Authority to Assist Taxpayers Suffering or About to Suffer Significant Hardship.](#)" page 79-87, July 16, 2014.