

113TH CONGRESS
1ST SESSION

S. 1489

To amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to notify the taxpayer each time the taxpayer's information is accessed by the Internal Revenue Service.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2013

Mr. ALEXANDER (for himself and Mr. ROBERTS) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to notify the taxpayer each time the taxpayer's information is accessed by the Internal Revenue Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "IRS Abuse Protection
5 Act of 2013".

1 **SEC. 2. NOTICE RELATING TO ACCESSING ACCOUNT, RE-**
2 **TURN, OR RETURN INFORMATION.**

3 (a) IN GENERAL.—Section 6103 of the Internal Rev-
4 enue Code of 1986 is amended by redesignating subsection
5 (q) as subsection (r) and by inserting after subsection (p)
6 the following new subsection:

7 “(q) NOTICE RELATING TO ACCESSING ACCOUNT,
8 RETURN, OR RETURN INFORMATION.—

9 “(1) IN GENERAL.—The Secretary shall provide
10 notice, in writing, to a taxpayer any time the tax-
11 payer’s account, return, or return information is
12 accessed by the Secretary.

13 “(2) SPECIAL RULES RELATING TO INVESTIGA-
14 TIONS.—

15 “(A) INVESTIGATIONS BY THE SEC-
16 RETARY.—In the case of any civil or criminal
17 investigation, the notice required by paragraph
18 (1) shall be provided not later than 1 year after
19 such investigation is closed.

20 “(B) INVESTIGATIONS BY STATES.—In the
21 case of any investigation by a State using infor-
22 mation provided pursuant to subsection (d), the
23 notice required by paragraph (1) shall be pro-
24 vided after the Secretary receives notice with
25 respect to such investigation pursuant to sub-
26 section (d)(7). Notice provided pursuant to this

1 subparagraph shall include all information pro-
2 vided to the Secretary pursuant to subsection
3 (d)(7).

4 “(3) NOTICE.—The notice required by para-
5 graph (1) shall include the following:

6 “(A) Who accessed such account, return,
7 or return information.

8 “(B) The purpose for which such account,
9 return, or return information was accessed.

10 “(C) How such account, return, or return
11 information was accessed.

12 “(4) COPY OF INFORMATION ACCESSED.—In
13 addition to the notice required to be provided by
14 paragraph (1), the Secretary shall provide with such
15 notice a copy of all information accessed.

16 “(5) SUBSEQUENT USE OF ACCESSED INFORMA-
17 TION.—If a report or other use of an account, re-
18 turn, or return information for which notice is pro-
19 vided under paragraph (1) is made, the Secretary
20 shall provide such report or a report of such use to
21 the taxpayer.

22 “(6) TAXPAYER RIGHTS.—The Secretary shall
23 include with each notice provided under this sub-
24 section a notice of taxpayer rights pursuant to the
25 Taxpayer Bill of Rights 2.”.

1 (b) AVAILABILITY OF INSPECTOR GENERAL FOR TAX
2 ADMINISTRATION REPORTS.—Section 7803(d) of the In-
3 ternal Revenue Code of 1986 is amended by adding at the
4 end the following new paragraph:

5 “(4) AVAILABILITY OF INSPECTOR GENERAL
6 FOR TAX ADMINISTRATION REPORTS.—If the Inspec-
7 tor General for Tax Administration investigates any
8 unauthorized use a taxpayer’s account, return, or re-
9 turn information, the Inspector General for Tax Ad-
10 ministration shall notify the taxpayer of such inves-
11 tigation and provide full access to any report by the
12 Inspector General for Tax Administration with re-
13 spect to the investigation.”.

14 (c) STATE ACCESS TO TAXPAYER INFORMATION.—
15 Section 6103(d) of the Internal Revenue Code of 1986 is
16 amended by adding at the end the following new para-
17 graph:

18 “(7) SUBMISSION OF NOTIFICATION TO SEC-
19 RETARY.—The Secretary may not provide any access
20 or disclosure under the preceding paragraphs of this
21 subsection until the entity to be provided access or
22 disclosure agrees to notify the Secretary within 1
23 year after an investigation is closed the identity of
24 who accessed such information, what was accessed,
25 why it was accessed and how it was accessed.”.

1 (d) REPORTS OF UNAUTHORIZED ACCESS TO CON-
2 GRESS.—Section 6103(f) of the Internal Revenue Code of
3 1986 is amended by adding at the end the following new
4 paragraph:

5 “(6) UNAUTHORIZED ACCESS REPORTS, ETC.—
6 Notwithstanding any other provision of this section,
7 the Secretary with respect to Internal Revenue Serv-
8 ice employees, and the Inspector General for Tax
9 Administration with respect to any audit, shall sub-
10 mit to each member of the committees referred to in
11 paragraph (1) any report of the Secretary or the In-
12 spector General for Tax Administration, as the case
13 may be, regarding unauthorized access, violation of
14 rights, laws, or any rules or regulations of the Inter-
15 nal Revenue Service.”.

16 (e) EFFECTIVE DATES.—

17 (1) SUBSECTION (a).—The amendment made
18 by subsection (a) shall apply with respect to infor-
19 mation accessed after the date of the enactment of
20 this Act.

21 (2) SUBSECTION (b).—The amendment made
22 by subsection (b) shall apply with respect to inves-
23 tigations closed after the date of the enactment of
24 this Act.

1 (3) SUBSECTION (c).—The amendment made
2 by subsection (c) shall apply to access and disclo-
3 sures after the date of the enactment of this Act.

4 (4) SUBSECTION (d).—The amendment made
5 by subsection (d) shall apply with respect to infor-
6 mation accessed and reports prepared after the date
7 of the enactment of this Act.

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