

113TH CONGRESS  
1ST SESSION

# H. R. 495

To make the Internal Revenue Service Free File Program permanent.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2013

Mr. ROSKAM (for himself and Mr. KIND) introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To make the Internal Revenue Service Free File Program permanent.

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 “Free File Program  
5 Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Internal Revenue Service (IRS) Free  
9 File program as established by the IRS pursuant to  
10 public rulemaking and set forth in the Federal Reg-  
11 ister, Vol. 67, No. 213, Monday, November 4, 2002,

1 pages 67247–67251, and in implementing agree-  
2 ments and governing rules and requirements be-  
3 tween the IRS and the tax software and electronic  
4 industry in 2002, 2005, and 2009, has been success-  
5 ful and significant in the efforts of the Federal Gov-  
6 ernment to increase the electronic filing of individual  
7 income tax returns.

8 (2) By the end of the current tax return filing  
9 season around 40,000,000 Federal individual income  
10 tax returns will have been prepared and filed elec-  
11 tronically for free under the IRS Free File program.

12 (3) The IRS Free File program offers Federal  
13 individual income tax return preparation and elec-  
14 tronic filing services to more than 70 percent of tax-  
15 payers, approximately 98,000,000 taxpayers at the  
16 end of the current tax filing period, at no cost to the  
17 taxpayers or to the Federal Government from tax  
18 software and electronic filing companies partici-  
19 pating in the program, currently 16 companies.

20 (4) By the end of the current tax return filing  
21 season, it is estimated that the IRS Free File pro-  
22 gram will have saved taxpayers approximately  
23 \$1,110,000,000 and will have saved the Federal  
24 Government hundreds of millions of dollars.

1           (5) Under the IRS Free File program, the IRS  
2           and the companies participating in the program have  
3           made substantial improvements to the program to  
4           provide better products and services to eligible tax-  
5           payers.

6           (6) The IRS Free File program must be main-  
7           tained in order to reach and maintain Congress' goal  
8           as set forth in the Internal Revenue Service Restruc-  
9           turing and Reform Act of 1998 of having 80 percent  
10          of all Federal individual income tax returns filed  
11          electronically.

12          (7) The IRS and the participating tax prepara-  
13          tion companies have integrated the IRS Free File  
14          program with State tax systems to enable taxpayers  
15          to also file their State tax returns in conjunction  
16          with their IRS Free File filings.

17          (8) Twenty-two States and the District of Co-  
18          lumbia now operate a Free File program patterned  
19          after the IRS Free File program again at no cost to  
20          the State taxpayers or the State governments.

21          (9) At the end of the current tax return filing  
22          season, it is estimated that the Free File States will  
23          have saved hundreds of millions of dollars collec-  
24          tively.

1 **SEC. 3. INTERNAL REVENUE SERVICE FREE FILE PRO-**  
2 **GRAM.**

3 (a) The Secretary of the Treasury, or his delegate,  
4 is authorized and directed to continue to implement and  
5 operate the Internal Revenue Service (IRS) Free File pro-  
6 gram as established by the IRS in the public rulemaking  
7 of November 4, 2002, and subsequent agreements and  
8 governing rules established pursuant thereto in 2002,  
9 2005, and 2009.

10 (b) The IRS Free File program shall continue to pro-  
11 vide free online individual income tax preparation and  
12 electronic filing services to lower income, working poor,  
13 underprivileged, disadvantaged, or underserved popu-  
14 lations that comprise 70 percent of the lowest income tax-  
15 payers.

16 (c) The Internal Revenue Service shall continue to  
17 work cooperatively with the private sector technology in-  
18 dustry through the Free File Alliance in providing free  
19 individual income tax preparation and electronic filing  
20 services and shall not compete with the private sector in  
21 providing these services to taxpayers, nor acquire, develop,  
22 or deploy enabling systems to duplicate or replace private  
23 tax preparation services.

24 (d) The Secretary of the Treasury, or his delegate,  
25 may not establish, develop, sponsor, acquire, or make  
26 available individual income tax preparation software or

1 electronic filing services that are offered under the IRS  
2 Free File program, except through the IRS Free File pro-  
3 gram, the Internal Revenue Service's Taxpayer Assistance  
4 Centers, Tax Counseling for the Elderly, and volunteer in-  
5 come tax assistance (VITA) programs.

○