

BERGEN BAR TAX BULLETIN

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Tax Law Committee
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E-mail: Current Items:

- 1) What's in a Name?*
- 2) A Billion Dollars Gone?*

I know this bulletin is late. I am doing it on March 31. But there is a reason. Okay part of it is the fact I have been laying around in the sand while my colleagues have been buried in snow this winter. But more to the real point is that I waited to the last minute in March to see if I was going to be named the next Commissioner of IRS. Now since 2025 there have been 7 commissioners. Some serving only a few months some just acting. Aren't they all? Some no connection at all to the tax world but just a name perhaps out of a MAGA hat. But I waited in vain. It's worse. As of today there is NO Commissioner of IRS. The last guy finished up today and no one has been found to replace him. I noticed that Palm Beach International Airport will be soon renamed President Donald J Trump Airport. And why not? He likes to play golf a lot and it is his airport of choice. But it could explain why the desk at IRS is empty. Busy renaming things takes time and attention. So now what? Well don't fret the federal law provides a solution.

Consistent with applicable law and longstanding practice, the Secretary of the Treasury oversees the operations of all Treasury offices and bureaus, including the Internal Revenue Service. Secretary Scott Bessent's service as Acting Commissioner of the IRS under the Federal Vacancies Reform Act has expired, and he has not served in that capacity since that time.

In accordance with the Federal Vacancies Reform Act, the Secretary retains the authority and responsibility to perform the functions and duties of vacant Treasury offices that are not filled on an acting basis. The IRS continues to operate without interruption, with Chief Executive Officer Frank J. Bisignano successfully leading day-to-day operations and reporting directly to the Secretary.

So there it is not a word about picking a retired lawyer from New Jersey to serve may be for a few days. But I will stand-by just in case.

2) There is a funny little game found in the federal tax law. It's called watch your refund disappear. Anyone can play. This is how it goes. Imagine you haven't filed your 2022 tax return. You think so what you are owed a refund. So you skip the filing and instead do some fun things. Now here's the magic part. Even though your refund is due and owing to you. Three years after its due date it disappears. Gone forever. It is just added to that Black Hole known as the Federal fisc aka the public treasury. So you have until April 15 to get that return in and find yourself once again reconnected to your own

money. By the way there is about \$1.2 billion not claimed by 1.3 million taxpayers for 2022. The game goes on.