

EDWARD J. MARKEY  
7TH DISTRICT, MASSACHUSETTS

ENERGY AND COMMERCE COMMITTEE

RANKING MEMBER  
SUBCOMMITTEE ON  
TELECOMMUNICATIONS AND  
THE INTERNET

SELECT COMMITTEE ON  
HOMELAND SECURITY

RESOURCES COMMITTEE

Congress of the United States  
House of Representatives  
Washington, DC 20515-2107

2108 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-2107  
(202) 225-2836

DISTRICT OFFICES:

5 HIGH STREET, SUITE 101  
MEDFORD, MA 02155  
(781) 396-2900

188 CONCORD STREET, SUITE 102  
FRAMINGHAM, MA 01702  
(508) 875-2900  
[www.house.gov/markey](http://www.house.gov/markey)

February 26, 2007

The Honorable Henry Paulson  
Secretary  
Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, DC 20220

The Honorable Deborah Majoras  
Chair  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

The Honorable Mark Everson  
Commissioner  
Internal Revenue Service  
1111 Constitution Avenue, N.W.  
Washington, D.C. 20224

Dear Secretary Paulson, Commissioner Everson and Chairman Majoras:

I am writing to you regarding a number of non-governmental websites which appear to be masquerading as official sites of the United States Government, and specifically, the Internal Revenue Service.

I am aware of three websites operating under the names which may be trying to pass themselves off as official IRS websites: IRS.com, IRS.net and IRS.org.. I am concerned these sites may be confusing to consumers, who may believe them to be an official Internal Revenue Service Website. I am concerned that consumers who visit these sites may provide the operators with personally identifiable information and tax return information, enabling the operators to either market or sell this information to others, or to sell and market all manner of products and services to these taxpayers. Since the taxpayers who provide personal information to these sites may do so under the misimpression that they were dealing with an official government website subject to applicable federal privacy protections, there is a serious potential for consumer confusion, deception, and abuse.

I have attached for your review correspondence which brought this matter to the notice of the Internal Revenue Service and the Federal Trade Commission early this year, as the annual tax season got underway, a copy of which I recently received (see attachment 1). I am interested in knowing what action, if any, is being taking by your agencies in response to this information.

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knowing what action, if any, is being taking by your agencies in response to this information. What is clear, however, is that these websites appear to be continuing their operation undisturbed.

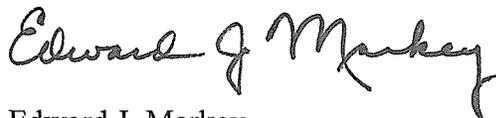
A consumer survey and study presented to the IRS and FTC in early January of this year by the Computer and Communications Industry Association (see attachment 2) suggests that a significant proportion of Web-savvy consumers misunderstand and misinterpret these three non-governmental Websites as being sites hosted by the IRS. The survey showed, for example, that before viewing the website IRS.com, 47% of those surveyed believed the site represented the Internet address of the Internal Revenue Service. Even after viewing the site, 1/3<sup>rd</sup> of those surveyed still believed the site was the IRS website. A broader survey of the general public, including the substantial proportion of citizens who are not Web-savvy, would undoubtedly demonstrate an even more serious problem.

I am not convinced that the fine-print disclaimers at the bottom of these sites stating that they are non-governmental provide any meaningful protection to consumers. As the aforementioned survey indicates, such disclaimers do not appear to be effective nor demonstrative of good intent to differentiate these websites from the official site of the Internal Revenue Service. Many other aspects of the sites would lead people to believe the opposite of the disclaimer. Moreover, on some of these sites, the fine-print disclaimer itself is at the very bottom of the sites and would not be seen by the consumer unless they scrolled down to bring it into view – which many consumers may not do.

I therefore request that you report on what action, if any, is being taken by your agencies, using your agencies respective authorities under the Federal Trade Commission Act and the Lanham Act, to protect the public from any unfair or deceptive trade practices associated with these websites, and to ensure that the public does not continue to be exposed to these potentially misleading or confusing websites. There is no relationship between a citizen and our government more sensitive, nor information more private, than that involving individual taxes and the annual voluntary compliance obligation. The federal government has a duty to protect taxpayers from predatory behaviors as they seek to meet their obligation to pay taxes.

Please describe any actions you are taking to intervene and put an immediate stop to this threat to the public interest, now, in the current tax season, before any other taxpayers are victimized.

Sincerely,



Edward J. Markey  
Chairman  
Subcommittee on Telecommunications  
and the Internet

Enclosures