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Congress of the United States
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RESEARCH AND TECHNOLOGY

July 30, 2026

The Honorable Frank J. Bisignano
Chief Executive Officer
Internal Revenue Service
U.S. Department of the Treasury
1111 Constitution Avenue, NW, Room 3241
Washington, DC 20224

Dear Mr. Bisignano:

I am writing to bring attention to issues that taxpayers face when filing Married Filing Jointly (MFJ). I respectfully request that the Internal Revenue Service (IRS) work to resolve these concerns.

As you know, a married couple submitting their tax return using the MFJ status for the first time is required to designate a primary and a secondary taxpayer. After an initial MFJ return is filed, the IRS requires the couple to continue to list the names of the taxpayers in the same order every year going forward. The primary taxpayer is considered the primary point of contact for administrative purposes.

Although the IRS collects both individuals' taxpayer identification information, it primarily tracks MFJ returns using the Social Security Number (SSN) or Taxpayer Identification Number (TIN) of the primary taxpayer. The couple is directed to send documents, make payments, and check the status of their joint return or refund using the primary taxpayer's SSN or TIN. Even when the primary taxpayer is deceased, the final MFJ return must be filed with the deceased spouse listed first.

Unfortunately, this system can create significant issues for couples who mistakenly re-order their names on their MFJ return or use the secondary taxpayer's information to make a payment. Taxpayers who make the simple mistake of writing their names down in a different order can face processing delays and errors when the IRS's system is unable to process the return.

Secondary taxpayers mistakenly using their own credentials when making payments or requesting a refund on a MFJ return can cause more severe issues. Payments made by secondary taxpayers do not always go through, but when they do, it can result in significant processing delays, failure by the IRS to properly attribute the payment to the filing, or other inconsistencies and issues. This situation can also lead to penalties and collection issues, despite the payment being made, as the IRS does not register that the payment was made on time. The "unwritten rule" to always submit payments under the primary taxpayer's credentials is well known to tax professionals, but often unknown to individual taxpayers.

In a particularly glaring example of the consequences of this problem, I heard from a secondary taxpayer who lost over $10,000 by mistakenly making a payment in her name instead of her spouse's. She was able to log in to her IRS online account, managed through ID.me, using her SSN. She proceeded to make a payment that the couple owed to the IRS through this electronic payment portal. She could not log into the portal or make the payment using her spouse's information because ID.me specifically requires the

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individual logging in to use their own identifying information. Notably, she did not encounter any warnings about the restrictions on making payments as a secondary taxpayer while completing this transaction. Despite that, her payment was not applied to her and her spouse's tax liability by the IRS.

Her IRS account shows that the payment was made, as does her bank account. The IRS, however, has still been unable to locate the payment and maintains that the couple has not paid the outstanding obligations. Although they have hired lawyers, submitted bank statements as evidence, and taken other measures, the IRS still has not been able to locate their money or attribute their payment to the joint return, causing the couple severe financial and emotional distress.

It is unclear why the IRS is unable to process payments by the secondary taxpayer or process MFJ returns with the taxpayers' names listed in a different order. The IRS collects the SSNs and TINs of both individuals and should be able to connect payments, documents, returns, and refunds from either person to the joint return without additional delay or other issues. This problem appears to be particularly acute for electronic payments compared to paper checks, raising questions as to whether third party contractors, such as ID.me, may be exacerbating an existing issue.

I respectfully ask that the IRS use their existing powers and authorities to address these concerns and establish a system to effectively, quickly, and correctly process MFJ returns and payments using both the primary and second taxpayer's information, irrespective of the order that their names are listed in or which taxpayer files the return, places a refund claim, or makes a payment.

I also ask that the IRS provide a response to these questions in writing by August 31, 2026.

1. What is preventing the IRS from connecting both primary and secondary taxpayer information to MFJ returns? Why does the IRS not process payments from either taxpayer who is MFJ?
    a. Are these issues attributable to the IRS, the U.S. Treasury, specific third parties that contract with the IRS or the Treasury, or another entity?
    b. Is there any relationship between these procedures and innocent spouse relief provisions?
    c. Is this primarily an administrative issue?
    d. Are there known limitations involving the Electronic Federal Tax Payment System (EFTPS), IRS Direct Pay, or other payment systems when processing payments from the secondary taxpayer on a joint return?
    e. Are there known limitations involving ID.me or other intermediaries when processing payments and returns from the secondary taxpayer on a joint return?
2. Approximately how many taxpayer disputes or cases related to misapplied MFJ payments has the IRS identified since January 1, 2018?
    a. Is the IRS aware of instances in which electronic payments submitted by the secondary taxpayer were accepted but not properly credited to a joint balance due?
3. Why are there no clear warnings or obstacles that prevent secondary taxpayers from submitting electronic payments through their personal IRS accounts on behalf of an MFJ return?
4. When secondary taxpayers make such aforementioned mistakes, what is the IRS' process for fixing these issues?

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   a. How does the IRS ensure that the taxpayers' payments are assigned to the correct people and the correct returns?
   b. What recourse does a taxpayer have if the IRS accepts a payment, but it is not correctly applied to a joint liability?
5. Is the IRS currently investigating or examining approaches to these issues internally?
6. Can the IRS change its policy to attribute joint returns and payments to both spouses and their identifying information, irrespective of the order, using its existing powers and authorities? Are there any limitations? If so, what are they?
7. If the IRS cannot change its policy, what does the IRS need from the Congress or another branch of government to be able to remedy the situation?

I also invite you to come and talk to my office about this matter. I stand ready to work with you and your team to continue to ensure that the IRS delivers a smooth and accessible tax filing process.

Thank you for your attention to this matter.

Sincerely,

Suhas Subramanyam
Member of Congress