The link to submit comments on the proposed changes to Circular 230 is

<https://www.regulations.gov/document/IRS-2024-0063-0002/comment>

and comments are due by February 24, 2025

RE: Regulations Governing Practice Before the Internal Revenue Service (REG-116610-20)

I am writing to voice my opposition to part 10.7 of the above referenced Notice of Proposed Rulemaking.

I have been an enrolled agent for \_\_\_\_ years and am a member of the National Association of Enrolled Agents (NAEA). I have worked hard to attain this professional designation. As described on the IRS Office of Professional Responsibility’s website, an enrolled agent is a person who has earned the privilege of representing taxpayers before the Internal Revenue Service. Enrolled agents are generally unrestricted as to which taxpayers they can represent, what types of tax matters they can handle, and which IRS offices they can represent clients.

The proposed changes to the rules in Circular 230, if finalized, would allow unlicensed tax preparers to hold even footing to enrolled agents in nearly all aspects of taxpayer representation.

The current regulations and Revenue Procedure 81-38 restrict “limited practice” and very narrowly define the scope of authority for unenrolled tax preparers:

*Section 4.01 An unenrolled individual who signs a return as its preparer may act as the taxpayer's representative if accompanied by the taxpayer, or by filing a written authorization from the taxpayer as provided herein in section 6. Such representation is limited to practice before examining officers of the Examination Division in the offices of District Directors and in the Office of International Operations, and may only encompass matters concerning the tax liability of the taxpayer for the taxable year covered by that return, subject to the limitations herein prescribed.*

Rev. Proc. 81-38 goes on to state:

*Section 5.02 In addition, the following acts on behalf of the taxpayer are beyond the scope of authority permitted an unenrolled preparer:*

*(a) Executing claims for refund;*

*(b) Receiving checks in payment of any refund of Internal Revenue taxes, penalties, or interest;*

*(c) Executing consents to extend the statutory period for assessment or collection of a tax;*

*(d) Executing closing agreements with respect to a tax liability or specific matter; and*

*(e) Executing waivers of restriction on assessment or collection of a deficiency in tax.*

**The proposed regulations remove, almost entirely, the distinction between credential holders and uncredentialed tax preparers.** They go too far in expanding the right to practice to individuals who have not taken the onerous Special Enrollment Exam or otherwise proven expertise in tax law.

The proposed rule reads:

*§ 10.7*

*Representing oneself; participating in rulemaking; limited practice; and special appearances.*

*\* \* \* \* \**

*(c) \* \* \**

*(1) \* \* \**

*(viii) An individual who possesses a current Annual Filing Season Program (AFSP) Record of Completion may represent a client before revenue agents, customer service representatives, or similar officers and employees of the Internal Revenue Service, including the Taxpayer Advocate Service, during an examination of a tax return or claim for refund or credit that the individual prepared and signed. The individual must have: a valid Record of Completion for the calendar year in which the tax return or claim for refund or credit was prepared and signed and a valid Record of Completion for the year or years in which the representation occurs.*

I respectfully request that the language, allowing all Annual Filing Season Program participants to represent taxpayers outside of the narrow definition of limited practice in Revenue Procedure 81-38 be removed from the final regulations.

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