

REQUIRING COMMISSIONER OF INTERNAL REVENUE TO CONTINUE TO FURNISH DATA TO JOINT COMMITTEE ON INTERNAL REVENUE TAXATION AS REQUIRED UNDER SECTION 5012 OF INTERNAL REVENUE CODE

FEBRUARY 1 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. GEORGE, from the Committee on Finance, submitted the following

R E P O R T

[To accompany H. J. Res. 87]

The Committee on Finance, to whom was referred the joint resolution (H. J. Res. 87) amending section 5012 of the Internal Revenue Code (relating to powers of the Joint Committee on Internal Revenue Taxation to obtain data), having considered the same, report favorably thereon without amendment and recommend that the joint resolution do pass.

Section 5012 of the Internal Revenue Code, added by section 512 of the Revenue Act of 1942 provides as follows:

SEC. 5012. ADDITIONAL POWERS TO OBTAIN DATA [Added by § 512, 1942 Act]

(a) The Joint Committee on Internal Revenue Taxation or the Chief of Staff of such Joint Committee, upon approval of the Chairman or Vice Chairman, is authorized to secure directly from the Bureau of Internal Revenue (including the Assistant General Counsel for the Bureau of Internal Revenue), or directly from any executive department, board, bureau, agency, independent establishment or instrumentality of the Government, information, suggestions, data, estimates, and statistics, for the purpose of making investigations, reports, and studies relating to internal revenue taxation.

(b) The Bureau of Internal Revenue (including the Assistant General Counsel for the Bureau of Internal Revenue), executive departments, boards, bureaus, agencies, independent establishments, and instrumentalities are authorized and directed to furnish such information, suggestions, data, estimates, and statistics directly to the Joint Committee on Internal Revenue Taxation or to the Chief of Staff of such Joint Committee, upon request made pursuant to this section.

The statutory duty imposed upon the Bureau of Internal Revenue and its officers to furnish the joint committee or its staff the information and data required under section 5012 of the Internal Revenue Code has been questioned because of Reorganization Plan No. 26, dated May 13, 1950, which provides as far as applicable as follows:

DEPARTMENT OF THE TREASURY

SECTION 1. TRANSFER OF FUNCTIONS TO THE SECRETARY.—(a) Except as otherwise provided in subsection (b) of this section and subject to the provisions of subsection (c) of this section there are hereby transferred to the Secretary of the

Treasury all functions of all other officers of the Department of the Treasury and all functions of all agencies and employees of such Department.

SEC. 2. PERFORMANCE OF FUNCTIONS OF SECRETARY.—The Secretary of the Treasury may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer or by any agency or employee of the Department of the Treasury of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

While the Secretary of the Treasury in an order dated July 31, 1950, has provided that officers, employees, and agencies of the Treasury Department shall continue to perform the functions they were authorized to perform immediately prior to the effective date of Reorganization Plan No. 26 "until changed by the appropriate authority," the duty to furnish this information no longer rests in the Bureau of Internal Revenue as a statutory duty but is made a matter of delegation, dependent upon the discretion of the Secretary of the Treasury and subject to such changes and conditions as he may deem advisable.

Since the passage of Reorganization Plan No. 26, the staff has experienced difficulty in securing information from the Bureau of Internal Revenue or its officers in connection with its tax studies.

The purpose of this resolution is to continue in the appropriate department, board, bureau, agency, independent establishment, instrumentality of government, or any appropriate official, the duty to furnish such data and information directly to the Joint Committee on Internal Revenue Taxation or its staff as provided in section 5012 of the Internal Revenue Code. This duty is to continue without regard to Reorganization Plan No. 26 of 1950 or any other reorganization plan becoming effective on, before, or after the date of the enactment of this joint resolution.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the joint resolution are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman):

SECTION 5012 OF THE INTERNAL REVENUE CODE

SEC. 5012. ADDITIONAL POWERS TO OBTAIN DATA [Added by § 512, 1942 Act].

(a) The Joint Committee on Internal Revenue Taxation or the Chief of Staff of such Joint Committee, upon approval of the Chairman or Vice Chairman, is authorized to secure directly from the Bureau of Internal Revenue (including the Assistant General Counsel for the Bureau of Internal Revenue), or directly from any executive department, board, bureau, agency, independent establishment, or instrumentality of the Government, information, suggestions, data, estimates, and statistics, for the purpose of making investigations, reports, and studies relating to internal revenue taxation.

(b) The Bureau of Internal Revenue (including the Assistant General Counsel for the Bureau of Internal Revenue), executive departments, boards, bureaus, agencies, independent establishments, and instrumentalities are authorized and directed to furnish such information, suggestions, data, estimates, and statistics directly to the Joint Committee on Internal Revenue Taxation or to the Chief of Staff of such Joint Committee, upon request made pursuant to this section.

(c) *Subsections (a) and (b) shall be applied in accordance with their provisions without regard to Reorganization Plan No. 26 of 1950 or to any other reorganization plan becoming effective on, before, or after the date of the enactment of this subsection.*