

Public Law 89-713

AN ACT

To amend the Internal Revenue Code of 1954 to promote savings under the Internal Revenue Service's automatic data processing system.

November 2, 1966
[H. R. 6958]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CENTRALIZED FILING OF RETURNS AND PAYMENT OF TAX.

Taxes.
Direct filing of
returns.

(a) **PLACE FOR FILING RETURNS.**—Section 6091(b) of the Internal Revenue Code of 1954 (relating to place for filing certain tax returns) is amended—

68A Stat. 752.
26 USC 6091.

(1) by amending paragraphs (1) and (2) to read as follows—

“(1) **PERSONS OTHER THAN CORPORATIONS.**—

“(A) **GENERAL RULE.**—Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

“(i) in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

“(ii) at a service center serving the internal revenue district referred to in clause (i),
as the Secretary or his delegate may by regulations designate.

“(B) **EXCEPTION.**—Returns of—

“(i) persons who have no legal residence or principal place of business in any internal revenue district,

“(ii) citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

“(iii) persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

76 Stat. 1003.

“(iv) nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

“(2) **CORPORATIONS.**—

“(A) **GENERAL RULE.**—Except as provided in subparagraph (B), a return of a corporation shall be made to the Secretary or his delegate—

“(i) in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or

“(ii) at a service center serving the internal revenue district referred to in clause (i),
as the Secretary or his delegate may by regulations designate.

“(B) **EXCEPTION.**—Returns of—

“(i) corporations which have no principal place of business or principal office or agency in any internal revenue district,

“(ii) corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations), and

“(iii) foreign corporations, shall be made at such place as the Secretary or his delegate may by regulations designate.”

(2) by redesignating paragraph (4) as paragraph (5) and by striking “or (3)” and inserting in lieu thereof “(3), or (4)”; and

(3) by adding after paragraph (3) the following:

“(4) **HAND-CARRIED RETURNS.**—Notwithstanding paragraph (1) or (2), a return to which paragraph (1) (A) or (2) (A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1) (A) (i) or (2) (A) (i), as the case may be.”

(b) **PLACE FOR PAYING TAX SHOWN ON RETURN.**—Section 6151(a) of such Code (relating to time and place for paying tax shown on return) is amended by striking out “to the principal internal revenue officer for the internal revenue district in which the return is required to be filed” and inserting in lieu thereof “to the internal revenue officer with whom the return is filed”.

68A Stat. 757.
26 USC 6151.

SEC. 2. RELATED AMENDMENT CONCERNING VENUE FOR CRIMINAL CASES.

72 Stat. 512.

Section 3237 (b) of title 18 of the United States Code (relating to offenses committed in more than one district) is amended by striking out “where an offense involves use of the mails and is an offense described in section 7201 or 7206 (1), (2), or (5) of the Internal Revenue Code of 1954” and by inserting in lieu thereof “where an offense is described in section 7203 of the Internal Revenue Code of 1954, or where an offense involves use of the mails and is an offense described in section 7201 or 7206 (1), (2), or (5) of such Code”.

SEC. 3. RELATED AMENDMENTS CONCERNING VENUE FOR CIVIL CASES.

(a) **ABOLITION OF REFUND SUITS AGAINST COLLECTION OFFICERS.**—Section 7422 of the Internal Revenue Code of 1954 (relating to civil actions for refund) is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

68A Stat. 876.
26 USC 7422.

“(f) **LIMITATION ON RIGHT OF ACTION FOR REFUND.**—

“(1) **GENERAL RULE.**—A suit or proceeding referred to in subsection (a) may be maintained only against the United States and not against any officer or employee of the United States (or former officer or employee) or his personal representative. Such suit or proceeding may be maintained against the United States notwithstanding the provisions of section 2502 of title 28 of the United States Code (relating to aliens' privilege to sue).

“(2) **MISJOINDER AND CHANGE OF VENUE.**—If a suit or proceeding brought in a United States district court against an officer or employee of the United States (or former officer or employee) or his personal representative is improperly brought solely by virtue of paragraph (1), the court shall order, upon such terms as are just, that the pleadings be amended to substitute the United States as a party for such officer or employee as of the time such action commenced, upon proper service of process on the United States. Such suit or proceeding shall upon request by the United States be transferred to the district or division where it should have been brought if such action initially had been brought against the United States.”

(b) **TECHNICAL AMENDMENT.**—Section 2502 of title 28 of the United States Code (relating to aliens' privilege to sue under Court of Claims procedure) is amended by striking out “Citizens or” and inserting in

62 Stat. 976.

lieu thereof "(a) Citizens or" and by adding at the end thereof the following:

"(b) See section 7422(f) of the Internal Revenue Code of 1954 for exception with respect to suits involving internal revenue taxes."

Ante, p. 1108.

(c) **VENUE FOR REVIEW OF TAX COURT DECISIONS.**—Section 7482 (b)(1) of the Internal Revenue Code of 1954 (relating to venue for review of decisions of the Tax Court) is amended to read as follows:

68A Stat. 890.
26 USC 7482.

"(1) **IN GENERAL.**—Except as otherwise provided in paragraph (2), such decisions may be reviewed by the United States court of appeals for the circuit in which is located—

"(A) in the case of a petitioner seeking redetermination of tax liability other than a corporation, the legal residence of the petitioner,

"(B) in the case of a corporation seeking redetermination of tax liability, the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in any judicial circuit, then the office to which was made the return of the tax in respect of which the liability arises.

If for any reason neither subparagraph (A) nor (B) applies, then such decisions may be reviewed by the Court of Appeals for the District of Columbia. For purposes of this paragraph, the legal residence, principal place of business, or principal office or agency referred to herein shall be determined as of the time the petition seeking redetermination of tax liability was filed with the Tax Court."

(d) **EFFECTIVE DATES.**—The amendments made by subsections (a) and (b) shall apply to suits brought against officers, employees, or personal representatives referred to therein which are instituted 90 days or more after the date of the enactment of this Act. The amendment made by subsection (c) shall apply to all decisions of the Tax Court entered after the date of enactment of this Act.

SEC. 4. PUBLICITY OF RETURNS AND DISCLOSURE OF INFORMATION.

(a) **DISCLOSURE OF INFORMATION AS TO PERSONS FILING INCOME TAX RETURNS.**—Section 6103 of the Internal Revenue Code of 1954 (relating to publicity of returns and lists of taxpayers) is amended—

(1) by striking out—

"**SEC. 6103. PUBLICITY OF RETURNS AND LISTS OF TAXPAYERS.**"

and inserting in lieu thereof the following:

"**SEC. 6103. PUBLICITY OF RETURNS AND DISCLOSURE OF INFORMATION AS TO PERSONS FILING INCOME TAX RETURNS.**";

and

(2) by striking out subsection (f) and inserting in lieu thereof the following:

"(f) **DISCLOSURE OF INFORMATION AS TO PERSONS FILING INCOME TAX RETURNS.**—The Secretary or his delegate shall, upon inquiry as to whether any person has filed an income tax return in a designated internal revenue district for a particular taxable year, furnish to the inquirer, in such manner as the Secretary or his delegate may determine, information showing that such person has, or has not, filed an income tax return in such district for such taxable year."

(b) **TECHNICAL AMENDMENT.**—The table of sections for subchapter B of chapter 61 of such Code is amended by striking out—

"Sec. 6103. Publicity of returns and lists of taxpayers."

and inserting in lieu thereof the following:

"Sec. 6103. Publicity of returns and disclosure of information as to persons filing income tax returns."

68A Stat. 756.
26 USC 6107.

(c) **LIST OF SPECIAL TAXPAYERS FOR PUBLIC INSPECTION.**—Section 6107 of such Code is amended by striking out “within such district.” and inserting in lieu thereof “with respect to a trade or business carried on within such district.”

SEC. 5. TIMELY MAILING TREATED AS TIMELY FILING EXTENDED TO RETURNS AND TO PAYMENTS.

(a) **IN GENERAL.**—Section 7502 (relating to timely mailing treated as timely filing) is amended to read as follows:

“SEC. 7502. TIMELY MAILING TREATED AS TIMELY FILING AND PAYING.

“(a) GENERAL RULE.—

“(1) DATE OF DELIVERY.—If any return, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under authority of any provision of the internal revenue laws is, after such period or such date, delivered by United States mail to the agency, officer, or office with which such return, claim, statement, or other document is required to be filed, or to which such payment is required to be made, the date of the United States postmark stamped on the cover in which such return, claim, statement, or other document, or payment, is mailed shall be deemed to be the date of delivery or the date of payment, as the case may be.

“(2) MAILING REQUIREMENTS.—This subsection shall apply only if—

“(A) the postmark date falls within the prescribed period or on or before the prescribed date—

“(i) for the filing (including any extension granted for such filing) of the return, claim, statement, or other document, or

“(ii) for making the payment (including any extension granted for making such payment), and

“(B) the return, claim, statement, or other document, or payment was, within the time prescribed in subparagraph (A), deposited in the mail in the United States in an envelope or other appropriate wrapper, postage prepaid, properly addressed to the agency, officer, or office with which the return, claim, statement, or other document is required to be filed, or to which such payment is required to be made.

“(b) POSTMARKS.—This section shall apply in the case of postmarks not made by the United States Post Office only if and to the extent provided by regulations prescribed by the Secretary or his delegate.

“(c) REGISTERED AND CERTIFIED MAILING.—

“(1) REGISTERED MAIL.—For purposes of this section, if any such return, claim, statement, or other document, or payment, is sent by United States registered mail—

“(A) such registration shall be prima facie evidence that the return, claim, statement, or other document was delivered to the agency, officer, or office to which addressed, and

“(B) the date of registration shall be deemed the postmark date.

“(2) CERTIFIED MAIL.—The Secretary or his delegate is authorized to provide by regulations the extent to which the provisions of paragraph (1) of this subsection with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail.

“(d) EXCEPTIONS.—This section shall not apply with respect to—

“(1) the filing of a document in, or the making of a payment to, any court other than the Tax Court,

“(2) currency or other medium of payment unless actually received and accounted for, or

“(3) returns, claims, statements, or other documents, or payments, which are required under any provision of the internal revenue laws or the regulations thereunder to be delivered by any method other than by mailing.”

(b) **TABLE OF SECTIONS.**—The table of sections for chapter 77 is amended by striking out—

“Sec. 7502. Timely mailing treated as timely filing.”

and inserting in lieu thereof

“Sec. 7502. Timely mailing treated as timely filing and paying.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply only if the mailing occurs after the date of the enactment of this Act.

SEC. 6. EFFECTIVE DATES.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect upon the date of the enactment of this Act.

SEC. 7. REASONABLE COST FOR REIMBURSEMENT OF PROPRIETARY EXTENDED CARE FACILITIES UNDER HEALTH INSURANCE FOR THE AGED.

Section 1861(v)(1) of the Social Security Act is amended by adding at the end thereof the following new sentences: “Such regulations in the case of extended care services furnished by proprietary facilities shall include provision for specific recognition of a reasonable return on equity capital, including necessary working capital, invested in the facility and used in the furnishing of such services, in lieu of other allowances to the extent that they reflect similar items. The rate of return recognized pursuant to the preceding sentence for determining the reasonable cost of any services furnished in any fiscal period shall not exceed one and one-half times the average of the rates of interest, for each of the months any part of which is included in such fiscal period, on obligations issued for purchase by the Federal Hospital Insurance Trust Fund.”

Approved November 2, 1966.

79 Stat. 313.
42 USC 1395x.

Public Law 89-714

AN ACT

To amend section 1391 of title 28 of the United States Code relating to venue.

November 2, 1966
[H. R. 7382]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a) and (b) of section 1391 of title 28 of the United States Code are amended to read as follows:

District courts.
Venue.
62 Stat. 935.

“(a) A civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in the judicial district where all plaintiffs or all defendants reside, or in which the claim arose.

“(b) A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought only in the judicial district where all defendants reside, or in which the claim arose, except as otherwise provided by law.”

SEC. 2. Subsection (f) of section 1391, title 28, United States Code, is hereby repealed.

Repeal.
77 Stat. 473.

Approved November 2, 1966.