

EXTENDING TIME WITHIN WHICH APPLICATIONS UNDER
SECTION 722 OF THE INTERNAL REVENUE CODE MUST
BE MADE

NOVEMBER 15, 1943.—Ordered to be printed

Mr. COOPER, from the committee of conference, submitted the
following

CONFERENCE REPORT

[To accompany H. R. 3363]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3363) extending the time within which applications under Section 722 of the Internal Revenue Code must be made, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

R. L. DOUGHTON,
JERE COOPER,
WESLEY E. DISNEY,
HAROLD KNUTSON,
DANIEL A. REED,

Managers on the part of the House.

WALTER F. GEORGE,
DAVID I. WALSH,
ALBEN W. BARKLEY,
ARTHUR VANDENBERG,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3363) submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendments Nos. 1 and 2: These amendments retain the basic principles of the House provisions with respect to interest on deficiencies and overpayments but make certain technical and substantive changes. They provide that any portion of a deficiency in excess profits tax which constitutes a deficiency because of a tax deferment under section 710 (a) (5), and any portion of a deficiency in tax under chapter I which is determined by the Commissioner to exceed any refund or credit of excess-profits tax arising from the operation of section 722 shall bear interest. They also make certain technical changes in the House bill so as to provide for the appropriate application of the interest provisions of the bill in case of an overpayment resulting from the application of an unused excess profits credit carry-over or carry-back attributable to an increase in the excess profits credit due to the operation of section 722 with respect to the taxable year in which the unused excess profits credit arose. In the case of unused excess profits credit carry-backs the provisions of the bill and the provisions of section 3771 (e) of the code (relating to the period for interest on carry-backs) are to be applied coordinately. The House recedes.

Amendment No. 3: This section does not appear in the House bill. It extends the time to December 31, 1944, within which pension, stock bonus, profit-sharing, and annuity plans may be amended to meet the requirements of section 165 (a) (3), (4), (5), and (6) of the code. It also provides that for a plan to comply with the statute any provisions adopted by December 31, 1944, shall be made effective for all purposes as of a date not later than January 1, 1944, or the effective date of the plan in case of a plan becoming effective after January 1, 1944. The House recedes.

Amendment No. 4: This amendment, which did not appear in the House bill, broadens section 124 (f) (3) of the code so as to extend the time within which a corporation may file an application for a certificate of necessity with respect to emergency facilities completed or acquired after June 10, 1940. Under existing law such application must be filed before the expiration of 6 months after the beginning of construction, reconstruction, erection, or installation, or the date of acquisition, of such facility, or before December 1, 1940, whichever is the later. The amendment substitutes April 22, 1943, for December 1, 1940. The Senate recedes.

R. L. DOUGHTON,
JERE COOPER,
WESLEY E. DISNEY,
HAROLD KNUTSON,
DANIEL A. REED,

Managers on the part of the House.