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June 26, 1989

Mr. Fred M. Ortiz
Tax Consultant
73-4188 Eluna Street
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Dear Mr. Ortiz:

On behalf of Senator Inouye, I am writing in further response to your inquiry regarding the precise provisions of the Internal Revenue Code (IRS) that render an individual liable for income taxes.

Based on the research performed by the Congressional Research Service, there is no provision which specifically and unequivocally requires an individual to pay income taxes. However, Article I, section 8 of the U.S. Constitution accords the Congress the "power to lay and collect Taxes...." Accordingly, the IRC need not specifically state that individuals shall be liable for income taxes because it is inferred from the Congress' authority to so levy and collect. This conclusion is further supported by I.R.S. Sec. 7201 et al. (1988) which sets forth the numerous penalties for failure to pay income taxes owed. I have enclosed a copy of these provisions for your information.

I am pleased to have had an opportunity to assist you in this matter.

Aloha,



MARK L. FORMAN
Legislative Correspondent

MLF:r
Enclosure