
From: Tombul Bridget E
Sent: Thursday, September 13, 2007 10:59 AM
To: Thomas Dana
Cc: Campbell Carol A
Subject: RE: Councils read on -Hispanic taxpayers use of the Spanish translation for "US Department of Treasury"

Hi Dana. I finally have a response for you on your question below.

Under the Restructuring and Reform Act of 1998, Congress directed that all checks for tax payments should be made out to "United States Treasury". However, if a taxpayer makes his or her check out to something other than "United States Treasury", with a few exceptions, the IRS over stamps the payee line with "United States Treasury". These procedures are found in IRM section 21.1.7.9.1. The payee line will not be over stamped if the check is made out to one of the following:

U.S. Treasury
United States Treasury
Internal Revenue Service
Department of the Treasury

Therefore, if Hispanic taxpayers make checks payable to US, or to something else, as long as it is clear that the check is intended as a tax payment, the IRM will direct the IRS employee to over stamp the payee line with "United States Treasury".

Second, nothing would legally prohibit the IRS from changing the rules so that taxpayers could submit their payments to "United States Treasury" in Spanish. Directing taxpayers to make checks payable to "US", however, is not a good idea because it would be very easy for a third party to intercept the check and change the payee so that the third party could cash the check.

It is probably best to just refer the taxpayers to the 1040 Spanish instructions, which will inform the taxpayers in Spanish how to address the checks. If it is explained in Spanish, as it is in the Spanish instructions, that checks need to be payable to "United States Treasury", that should not be confusing to Spanish taxpayers.

If the information in this e-mail is unclear or not helpful, please contact me.

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