metal by section 1 of said act Aug. 7, 1953, set out as a note under par. 301 of section 1001 of Title 19, Customs Duties, should in no wise affect in any way the application of the law, and May 22, 1951, set out as a note under this section, to copper scrap.

Suspension of Taxes


"That the import tax imposed under section 3426 of the Internal Revenue Code [this section] shall not apply with respect to articles (other than copper sulfate and other than composition metal provided for in paragraph 1657 of the Tariff Act of 1930, as amended [section 1201, par. 1657 of Title 19]) which is suitable both in its composition and shape, without further refining or alloying, for processing into castings, not including as castings ingots or similar cast forms) entered for consumption or withdrawn from warehouse for consumption during the period beginning April 1, 1951, and ending with the close of June 30, 1955: Provided, That when, for any one calendar month, the average price of electrolytic copper for that month, in standard shapes and sizes, delivered Connecticut Valley, has been below 24 cents per pound, the Tariff Commission, within fifteen days after the conclusion of such calendar month, shall so advise the President, and the President shall, by proclamation, not later than twenty days after he has been so advised by the Tariff Commission, revoke such suspension of the import tax imposed under section 3426 of the Internal Revenue Code [this section].

"In determining the average market price of electrolytic copper for each calendar month, the Tariff Commission is hereby authorized and directed to base its findings upon sources commonly resorted to by the buyers of copper in the usual channels of commerce, including, but not limited to, quotations of the market price for electrolytic copper, in standard shapes and sizes, delivered Connecticut Valley, reported by the Engineering and Mining Journal's 'Metal and Mineral Markets.'"

SUBCHAPTER C.—GENERAL ADMINISTRATIVE PROVISIONS

§ 3443. Credits and refunds.

(a) * * *

(3) to a manufacturer, producer, or importer, in the amount of tax paid by him under this chapter with respect to the sale of any article to any vendee, if the manufacturer, producer, or importer has in his possession such evidence as the regulations may prescribe that—

(A) such article was, by any person—

(i) resold for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or of the District of Columbia, or, in the case of musical instruments embraced in section 3460 (d), resold for the use of any religious or nonprofit educational institution for exclusively religious or educational purposes;

(ii) used or resold for use for any of the purposes, but subject to the conditions, provided in section 3451;

(iii) in the case of lubricating oils, used or resold for nonlubricating purposes.

(iv) in the case of unexposed motion picture films, used or resold for use in the making of news reel motion picture films.

(v) in the case of articles taxable under section 3403 (c) (other than spark plugs, storage batteries, leaf springs, coils, timers, and tire chains), used or resold for use as repair or replacement parts or accessories for farm equipment (other than equipment taxable under subsection (a) or (b) of section 3403);

(vi) in the case of a communication, detection, or navigation receiver of the type used in commercial, military, or marine installations, resold, to the United States for its exclusive use.

(B) The manufacturer, producer, or importer has repaid or agreed to repay the amount of such tax to the ultimate vendor or has obtained the consent of the ultimate vendor to the allowance of the credit or refund.

* * * * *

(As amended Mar. 31, 1954, ch. 126, title V, § 507 (a) (2), 68 Stat. 44.)

AMENDMENTS

1954—Subsec. (a) (3) (A) added by act Mar. 31, 1954, which repealed a clause (iii) relating to credit or refund "in the case of products [formerly] embraced" in subsec. (c) (3) of section 3412 of this title used or resold for use otherwise than as fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the production of such fuel, with an exception with respect to gasoline (the provisions of such clause now being covered by sections 2460 et seq., of this title), and redesignated clauses (iv), (v), (vi), and (vii) as "(III)", "(IV)", "(V)", and "(VI)", respectively.

EFFECTIVE DATE OF 1954 AMENDMENT

Effective date of amendment of subsec. (a) (3) (A) of this section by act Mar. 31, 1954, as May 1, 1954, see note preceding section 2460 of this title.

EXCEPTION OF CERTAIN TAXES FROM 1954 AMENDMENT

Act Mar. 31, 1954, § 507 (a) (2), which amended subsec. (a) (3) (A) of this section, excepted from such amendment "any liquid with respect to which tax was paid under section 3412 as in effect prior to the effective date" of such section 507. See 1954 amendment note under section 3412 of this title, and for effective date of such section 507, see note preceding section 2460 of this title.

§ 3451. Exemption from tax of certain supplies for vessels.

Special Motor Fuels; Exemption From Tax

Tax exemption provided in this section as applicable to tax imposed on special motor fuels under section 2450 (b) of this title, see section 2456 of this title.

Chapter 30.—TRANSPORTATION AND COMMUNICATION

§ 3465. Imposition and rate of tax.

(a) There shall be imposed:

(1) Telephone and telegraph, etc.

(A) On the amount paid within the United States for each telephone or radio telephone message or conversation for which the toll charge is more than 24 cents, a tax equal to 10 per centum of the amount so paid. If a bill is rendered the taxpayer for the services described in this subparagraph, the amount upon which the tax shall be based shall be the sum of all such charges included in the bill, and the tax shall not be based upon the charge for each item, separately, included in the bill.

(B) On the amount paid within the United States for each telegraph, cable, or radio dispatch or message a tax equal to 10 per centum of the amount so paid. If a bill is rendered the taxpayer for the services described in this subparagraph, the amount
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TITLE 26.—INTERNAL REVENUE CODE, APPENDIX

upon which the tax at each of the rates in this subparagraph shall be based shall be the sum of all such charges at that rate included in the bill, and the tax shall not be based upon the charge for each item, separately, included in the bill.

If the tax under subparagraph (A) or (B) is paid by inserting coins in coin-operated telephones, the tax shall be computed to the nearest multiple of 5 cents, except that where the tax is midway between multiples of 5 cents, the next higher multiple shall apply. Only one payment of a tax imposed by subparagraph (A) or (B) shall be required notwithstanding the lines or stations of one or more persons are used in the transmission of such dispatch, message, or conversation.

(2) Leased wires, etc.

(A) A tax equivalent to 10 per centum of the amount paid for leased wire, teletypewriter, or talking circuit special service, but not including an amount paid for leased wire, teletypewriter, or talking circuit special service used exclusively in rendering a service taxable under subparagraph (B).

(B) A tax equivalent to 8 per centum of the amount paid for any wire and equipment service (including stock quotation and information services, burglar alarm or fire alarm service, and all other similar services, but not including service described in subparagraph (A)).

*(As amended Mar. 31, 1954, ch. 126, title IV, § 401 (a) — (d), 68 Stat. 41.)*

AMENDMENTS

1954—Subsec. (a) (1) (A) amended by act Mar. 31, 1954, § 401 (a), which substituted “10 per centum” for “20 per centum”.

Subsec. (a) (1) (B) amended by act Mar. 31, 1954, § 401 (b), which substituted “10 per centum of the amount so paid” for “15 per centum of the amount so paid, except that in the case of each international telegraph, cable, or radio dispatch or message the rate shall be 10 per centum”.

Subsec. (a) (2) (A) amended by act Mar. 31, 1954, § 401 (c), which substituted “10 per centum” for “15 per centum”.

Subsec. (a) (2) (B) amended by act Mar. 31, 1954, § 401 (d), which substituted “8 per centum” for “5 per centum”.

EFFECTIVE DATE OF 1954 AMENDMENTS

Section 402 (a), (b) of act Mar. 31, 1954, provided:

“(a) In general. Subject to the provisions of subsection (b), the amendments made by section 401 [to this section] shall apply with respect to amounts paid on or after April 1, 1954, for services rendered on or after such date.

“(b) Amounts paid pursuant to bill rendered. The amendments made by section 401 shall not apply with respect to amounts paid pursuant to bills rendered before April 1, 1954. In the case of amounts paid pursuant to bills rendered on or after such date for services for which no previous bill was rendered, such amendments shall apply except with respect to such services as were rendered more than 2 months before such date. In the case of services rendered more than 2 months before such date the provisions of sections 1650 and 3465 of the Internal Revenue Code [sections 1650 and 3465 of this title] in effect at the time such services were rendered shall apply to the amounts paid for such services.”

TERMINATION OF WAR TAX RATES

The effective period of the War tax rates provided for in section 1650 of this title, which had temporarily affected the permanent rates specified in subsecs. (a) (1) (A), (a) (2) (A), (a) (2) (B) and (a) (3) of this section, ended on March 31, 1954 under the provisions of such section 1650 as amended by act Mar. 31, 1954. See such section, and notes thereunder, and for effective date of such amendment to section 1650, in so far as it affects the rates imposed by subsecs. (a) (1) (A), (a) (2) (A), (a) (2) (B), and (a) (3) of this section, see note under section 1651 of this title.

§ 3465. Tax on transportation of persons, etc.

TERMINATION OF WAR TAX RATES

The effective period of the War tax rates provided for in section 1650 of this title, which had temporarily affected the permanent rates specified in subsecs. (a) and (c) of this section, ended on March 31, 1954 under the provisions of such section 1650 as amended by act Mar. 31, 1954, ch. 126, title V, § 504 (a), 68 Stat. 42. See such section 1650, and notes thereunder; and for effective date of such amendment to section 1650, in so far as it affects the rates imposed by this section, see note under section 1651 of this title.

SPECIAL CREDIT OR REFUND OF TRANSPORTATION TAXES

For special credit or refund of transportation taxes, see section 506 of act Mar. 31, 1954, ch. 126, title V, 68 Stat. 45, set out in note under section 1700 of this title.