

he may cancel such notification. Such cancellation shall take effect at such time as is specified in the notice of such cancellation."

68A Stat. 851.  
26 USC ch. 75.

SEC. 2. Part I of subchapter A of chapter 75 of such Code (relating to general provisions concerning crimes, other offenses, and forfeitures) is amended by adding at the end thereof the following new section:

**"SEC. 7215. OFFENSES WITH RESPECT TO COLLECTED TAXES.**

"(a) PENALTY.—Any person who fails to comply with any provision of section 7512 (b) shall, in addition to any other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than one year, or both, together with the costs of prosecution.

"(b) EXCEPTIONS.—This section shall not apply—

"(1) to any person, if such person shows that there was reasonable doubt as to (A) whether the law required collection of tax, or (B) who was required by law to collect tax, and

"(2) to any person, if such person shows that the failure to comply with the provisions of section 7512 (b) was due to circumstances beyond his control.

For purposes of paragraph (2), a lack of funds existing immediately after the payment of wages (whether or not created by the payment of such wages) shall not be considered to be circumstances beyond the control of a person."

68A Stat. 895.

SEC. 3. (a) The table of sections for chapter 77 of such Code is amended by adding at the end thereof the following:

"Sec. 7512. Separate accounting for certain collected taxes, etc."

68A Stat. 851.

(b) The table of sections for part I of subchapter A of chapter 75 of such Code is amended by adding at the end thereof the following:

"Sec. 7215. Offenses with respect to collected taxes."

SEC. 4. Notification may be made under section 7512 (a) of the Internal Revenue Code of 1954 (as added by the first section of this Act)—

(1) in the case of taxes imposed by subtitle C of such Code, only with respect to pay periods beginning after the date of the enactment of this Act; and

(2) in the case of taxes imposed by chapter 33 of such Code, only with respect to taxes so imposed after the date of the enactment of this Act.

Approved February 11, 1958.

Public Law 85-322

AN ACT

February 11, 1958  
[H. R. 10146]

Making supplemental appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes.

Supplemental  
Defense Appropriation  
Act, 1958.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1958, for military functions administered by the Department of Defense, and for other purposes, namely:

## TITLE I

## OFFICE OF THE SECRETARY OF DEFENSE

## SALARIES AND EXPENSES

The Secretary of Defense is authorized to transfer not exceeding \$10,000,000, to remain available until expended, from any appropriation available to the Department of Defense for the current fiscal year for such advanced research projects as he may designate and determine: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available for related programs in other appropriations available to the Department of Defense during the current fiscal year may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

## TITLE II

## INTERSERVICE ACTIVITIES

## EMERGENCY FUND

For an additional amount for "Emergency fund", \$100,000,000, to be derived by transfer from such appropriations available to the Department of Defense for obligation during the current fiscal year as the Secretary of Defense may designate.

## TITLE III

## DEPARTMENT OF THE ARMY

## RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", to remain available until expended, \$20,000,000, to be derived by transfer from the appropriation for "Military personnel, 1958".

## PROCUREMENT AND PRODUCTION

For an additional amount for "Procurement and production", to remain available until expended, \$20,000,000, to be derived by transfer from the appropriation for "Military personnel, 1958".

## TITLE IV

## DEPARTMENT OF THE NAVY

## SHIPBUILDING AND CONVERSION

For an additional amount for "Shipbuilding and conversion", \$296,000,000, to remain available until expended.

## PROCUREMENT OF ORDNANCE AND AMMUNITION

For an additional amount for "Procurement of ordnance and ammunition", \$31,800,000, to remain available until expended.

## RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", \$22,200,000, to remain available until expended.

## TITLE V

## DEPARTMENT OF THE AIR FORCE

## PROCUREMENT OTHER THAN AIRCRAFT

For an additional amount for "Procurement other than aircraft", \$360,000,000, to remain available until expended.

## RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", \$30,000,000, to remain available until expended.

## MILITARY CONSTRUCTION

For an additional amount for "Military construction", including such construction as may be authorized by law during the second session of the Eighty-fifth Congress, \$520,000,000, to remain available until expended.

## TITLE VI

## GENERAL PROVISIONS

SEC. 601. In order to more effectively administer the programs relating to advanced research activities, the Secretary of Defense may authorize the creation of fifteen positions in the professional and scientific service in accordance with the provisions of Public Law 313, Eightieth Congress, as amended, and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended. These positions shall be in addition to those now authorized by law.

SEC. 602. This Act may be cited as the "Supplemental Defense Appropriation Act, 1958".

Approved February 11, 1958.

## Public Law 85-323

## AN ACT

To amend the Internal Revenue Code of 1954 to prevent unjust enrichment by precluding refunds of alcohol and tobacco taxes to persons who have not borne the ultimate burden of the tax.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subchapter B of chapter 65 of the Internal Revenue Code of 1954 (relating to rules of special application for abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

63 Stat. 410.  
5 USC 171p note.

63 Stat. 954.  
5 USC 1071 note.

Short title.

February 11, 1958  
[H. R. 8216]

Alcohol and tobacco tax refund.  
68A Stat. 795.  
26 USC 6411-6422.