

Public Law 87-312

September 26, 1961
[H. R. 7057]

AN ACT

Relating to the determination of gross income from the property for taxable years prior to 1961 in the case of certain clays and shale which were used in the manufacture of certain clay products.

Income tax.
Clay products.

68A Stat. 208; 74
Stat. 291.
26 USC 613.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) ELECTION FOR PAST YEARS.—In the case of brick and tile clay, fire clay, or shale used by the mineowner or operator in the manufacture of building or paving brick, drainage and roofing tile, sewer pipe, flower pots, and kindred products (without regard to the applicable rate of percentage depletion), if an election is made under subsection (c), for the purpose of applying section 613(c) of the Internal Revenue Code of 1954 (and corresponding provision of the Internal Revenue Code of 1939) for each of the taxable years with respect to which the election is effective—

(1) gross income from the property shall be 50 per centum of the amount for which the manufactured products are sold during the taxable year except that with respect to such manufactured products, gross income from the property shall not exceed an amount equal to \$12.50 multiplied by the number of short tons used in the manufactured products sold during the taxable year, and

(2) for purposes of computing the 50 per centum limitation under section 613(a) of the Internal Revenue Code of 1954 (or the corresponding provision of the Internal Revenue Code of 1939), the taxable income from the property (computed without allowance for depletion) shall be 50 per centum of the taxable income from the manufactured products sold during the taxable year (computed without allowance for depletion).

(b) YEARS TO WHICH APPLICABLE.—An election made under subsection (c) to have the provisions of this section apply shall be effective for all taxable years beginning before January 1, 1961, in respect of which—

- (1) the assessment of a deficiency,
- (2) the refund or credit of an overpayment, or
- (3) the commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

68A Stat. 874.
26 USC 7405.

is not prevented on the date of the enactment of this Act by the operation of any law or rule of law. Such election shall also be effective for any taxable year beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before the date of the enactment of this Act.

Publication in
F. R.

(c) TIME AND MANNER OF ELECTION.—An election to have the provisions of this section apply shall be made by the taxpayer on or before the sixtieth day after the date of publication in the Federal Register of final regulations issued under authority of subsection (f), and shall be made in such form and manner as the Secretary of the Treasury or his delegate shall prescribe by regulations. Such election, if made, may not be revoked.

(d) STATUTES OF LIMITATION.—Notwithstanding any other law, the period within which an assessment of a deficiency attributable to the election under subsection (c) may be made with respect to any taxable year for which such election is effective, and the period within which a claim for refund or credit of an overpayment attributable to the election under such subsection may be made with respect to any such taxable year, shall not expire prior to one year after the last day for making an election under subsection (c). An election by

a taxpayer under subsection (c) shall be considered as a consent to the application of the provisions of this subsection.

(e) **TERMS; APPLICABILITY OF OTHER LAWS.**—Except where otherwise distinctly expressed or manifestly intended, terms used in this section shall have the same meaning as when used in the Internal Revenue Code of 1954 (or corresponding provisions of the Internal Revenue Code of 1939) and all provisions of law shall apply with respect to this section as if this section were a part of such Code (or corresponding provisions of the Internal Revenue Code of 1939).

(f) **REGULATIONS.**—The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section.

Approved September 26, 1961.

Public Law 87-313

AN ACT

September 26, 1961
[H. R. 6729]

To provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, North Carolina, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of Federal property comprising eight and one-tenth acres of land situated in Dare County, North Carolina, approximately two miles north of Kitty Hawk, which was transferred to the administrative jurisdiction of the Department of the Interior by the Act of June 3, 1948 (62 Stat. 301; 16 U.S.C. 459a-4), to be administered as a part of the Cape Hatteras National Seashore Recreational Area, may be disposed of by the Administrator of General Services in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

Cape Hatteras
National Seashore
Recreational Area,
N. C.
Land disposal.

63 Stat. 377.
40 USC 471 note.

Approved September 26, 1961.

Public Law 87-314

AN ACT

September 26, 1961
[H. R. 8414]

To amend section 5011 of title 38, United States Code, to clarify the authority of the Veterans' Administration to use its revolving supply fund for the repair and reclamation of personal property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5011 (a) of title 38, United States Code, is amended by—

(1) changing the parenthetical clause in the first sentence to read: “(including procurement of supplies, equipment, and personal services and the repair and reclamation of used, spent, or excess personal property)”; and

(2) inserting in paragraph (3) immediately after the words “operation of the fund, including” the following: “property returned to the supply system when no longer required by activities to which it had been furnished.”

Approved September 26, 1961.

Veterans' Admin-
istration.
Revolving supply
fund.
72 Stat. 1253.