

Public Law 94-530
94th Congress

An Act

To amend the Internal Revenue Code of 1954 to exempt certain aircraft museums from Federal fuel taxes and the Federal tax on the use of civil aircraft, and for other purposes.

Oct. 17, 1976

[H.R. 10101]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4041 of the Internal Revenue Code of 1954 (relating to tax on special fuels) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

“(h) EXEMPTION FOR USE BY CERTAIN AIRCRAFT MUSEUMS.—

“(1) EXEMPTION.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used by an aircraft museum in an aircraft or vehicle owned by such museum and used exclusively for purposes set forth in paragraph (2)(C).

“(2) DEFINITION OF AIRCRAFT MUSEUM.—For purposes of this subsection, the term ‘aircraft’ means an organization—

“(A) described in section 501(c)(3) which is exempt from income tax under section 501(a),

“(B) operated as a museum under charter by a State or the District of Columbia, and

“(C) operated exclusively for the procurement, care, and exhibition of aircraft of the type used for combat or transport in World War II.”

(b) Section 6427 of such Code (relating to fuels not used for taxable purposes) is amended by redesignating subsections (d) through (h) as subsections (e) through (i), respectively, and by inserting after subsection (c) the following new subsection:

“(d) USE BY CERTAIN AIRCRAFT MUSEUMS.—Except as provided in subsection (g), if—

“(1) any gasoline on which tax was imposed by section 4081, or

“(2) any fuel on the sale of which tax was imposed under section 4041,

is used by an aircraft museum (as defined in section 4041(h)(2)) in an aircraft or vehicle owned by such museum and used exclusively for purposes set forth in section 4041(h)(2)(C), the Secretary or his delegate shall pay (without interest) to the ultimate purchaser of such gasoline or fuel an amount equal to the aggregate amount of the tax imposed on such gasoline or fuel.”

(c) (1) Subsections (a)(4) and (c) of section 39 of such Code are each amended by striking out “6427(f)” and inserting in lieu thereof “6427(g)”.

(2) Subsections (a), (b)(1), and (c) of section 6427 of such Code are each amended by striking out “(f)” and inserting in lieu thereof “(g)”.

(3) Subsection (e)(1) of such section 6427, as redesignated, is amended by striking out “(a), (b), or (c)” and inserting in lieu thereof “(a), (b), (c), or (d)”.

(4) Subsection (e)(2) of such section 6427, as redesignated, is amended by striking out “(a) and (b)” and inserting in lieu thereof “(a), (b), and (d)”.

Taxes.

Certain aircraft museums, fuel tax exemption. 26 USC 4041.

Regulations.

26 USC 501.

26 USC 6427.

Supra.

26 USC 39.

- 26 USC 6427. (5) Subsection (g)(2) of such section 6427, as redesignated, is amended by striking out "(d)(2)" and inserting in lieu thereof "(e)(2)".
- 26 USC 7210, 7603, 7604, 7605. (6) Sections 7210, 7603, 7604(b), and 7605(a) of such Code are each amended by striking out "6427(e)(2)" each place it appears and inserting in lieu thereof "6427(f)(2)".
- Effective date. (d) The amendments made by this section shall take effect on October 1, 1976.
- 26 USC 4492. SEC. 2. (a) Subsection (a) of section 4492 of the Internal Revenue Code of 1954 (defining taxable civil aircraft for purposes of the tax on the use of civil aircraft) is amended by adding at the end thereof the following new sentence: "Such term does not include any aircraft owned by an aircraft museum (as defined in section 4041(h)(2)) and used exclusively for purposes set forth in section 4041(h)(2)(C)."
- Ante*, p. 2487. (b) The amendment made by subsection (a) shall take effect on
- Effective date. July 1, 1976.

Approved October 17, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1359 (Comm. on Ways and Means).

SENATE REPORT No. 94-1321 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Aug. 2, considered and passed House.

Oct. 1, considered and passed Senate.