

making its facilities available to members on or after such a date, and, in the case of amounts described in section 4243(b) of this title, 3-year periods beginning on or after January 1, 1966, see section 701(b)(1) of Pub. L. 89-44, set out as an Effective Date of 1965 Amendment note under section 4291 of this title.

Subchapter B—Communications

Sec.	
4251.	Imposition of tax.
4252.	Definitions.
4253.	Exemptions.
4254.	Computation of tax.

REPEAL

This subchapter, relating to the tax on communication, was repealed by Pub. L. 90-364, title I, § 105(b)(3), June 28, 1968, 82 Stat. 266, as amended by Pub. L. 91-172, title VII, § 702(b)(3), Dec. 30, 1969, 83 Stat. 660; Pub. L. 91-614, title II, § 201(b)(3), Dec. 31, 1970, 84 Stat. 1843, effective with respect to amounts paid pursuant to bills first rendered on or after Jan. 1, 1982. In the case of communications services rendered before Nov. 1, 1981, for which a bill has not been rendered before Jan. 1, 1982, a bill shall be treated as having been first rendered on Dec. 31, 1981. Repeal of this subchapter was not executed in view of the amendments to section 4251 of this title by Pub. L. 96-499, Pub. L. 97-34, Pub. L. 97-248, Pub. L. 98-369, Pub. L. 99-514, Pub. L. 100-203, and Pub. L. 101-508, extending the date in (and finally eliminating) provisions which had reduced the tax to zero after a specified date.

§ 4251. Imposition of tax

(a) Tax imposed

(1) In general

There is hereby imposed on amounts paid for communications services a tax equal to the applicable percentage of amounts so paid.

(2) Payment of tax

The tax imposed by this section shall be paid by the person paying for such services.

(b) Definitions

For purposes of subsection (a)—

(1) Communications services

The term “communications services” means—

- (A) local telephone service;
- (B) toll telephone service; and
- (C) teletypewriter exchange service.

(2) Applicable percentage

The term “applicable percentage” means 3 percent.

(c) Special rule

For purposes of subsections (a) and (b), in the case of communications services rendered before November 1 of a calendar year for which a bill has not been rendered before the close of such year, a bill shall be treated as having been first rendered on December 31 of such year.

(d) Treatment of prepaid telephone cards

(1) In general

For purposes of this subchapter, in the case of communications services acquired by means of a prepaid telephone card—

(A) the face amount of such card shall be treated as the amount paid for such communications services, and

(B) that amount shall be treated as paid when the card is transferred by any telecommunications carrier to any person who is not such a carrier.

(2) Determination of face amount in absence of specified dollar amount

In the case of any prepaid telephone card which entitles the user other than to a specified dollar amount of use, the face amount shall be determined under regulations prescribed by the Secretary.

(3) Prepaid telephone card

For purposes of this subsection, the term “prepaid telephone card” means any card or any other similar arrangement which permits its holder to obtain communications services and pay for such services in advance.

(Aug. 16, 1954, ch. 736, 68A Stat. 503; Pub. L. 85-859, title I, § 133(a), Sept. 2, 1958, 72 Stat. 1289; Pub. L. 86-75, § 5, June 30, 1959, 73 Stat. 158; Pub. L. 86-564, title II, § 202(a)(2), June 30, 1960, 74 Stat. 290; Pub. L. 87-72, § 3(a)(2), June 30, 1961, 75 Stat. 193; Pub. L. 87-508, § 3(a)(2), June 28, 1962, 76 Stat. 114; Pub. L. 88-52, § 3(a)(2), June 29, 1963, 77 Stat. 72; Pub. L. 88-348, § 2(a)(2), June 30, 1964, 78 Stat. 237; Pub. L. 89-44, title III, § 302, title VII, § 701(b)(2)(B), June 21, 1965, 79 Stat. 145, 156; Pub. L. 89-368, title II, § 202(a), Mar. 15, 1966, 80 Stat. 66; Pub. L. 90-285, § 1(a)(3), Apr. 12, 1968, 82 Stat. 92; Pub. L. 90-364, title I, § 105(b)(1), (2), June 28, 1968, 82 Stat. 265; Pub. L. 91-172, title VII, § 702(b)(1), (2), Dec. 30, 1969, 83 Stat. 660; Pub. L. 91-614, title II, § 201(b)(1), (2), Dec. 31, 1970, 84 Stat. 1843; Pub. L. 96-499, title XI, § 1151, Dec. 5, 1980, 94 Stat. 2694; Pub. L. 97-34, title VIII, § 821, Aug. 13, 1981, 95 Stat. 351; Pub. L. 97-248, title II, § 282(a), Sept. 3, 1982, 96 Stat. 568; Pub. L. 98-369, div. A, title I, § 26, July 18, 1984, 98 Stat. 507; Pub. L. 99-514, title XVIII, § 1801(b), Oct. 22, 1986, 100 Stat. 2785; Pub. L. 100-203, title X, § 10501, Dec. 22, 1987, 101 Stat. 1330-438; Pub. L. 101-508, title XI, § 11217(a), Nov. 5, 1990, 104 Stat. 1388-437; Pub. L. 105-34, title X, § 1034(a), Aug. 5, 1997, 111 Stat. 937; Pub. L. 105-206, title VI, § 6010(i), July 22, 1998, 112 Stat. 815.)

REPEAL

This subchapter, relating to the tax on communications, was repealed by Pub. L. 90-364, title I, § 105(b)(3), June 28, 1968, 82 Stat. 266, as amended by Pub. L. 91-172, title VII, § 702(b)(3), Dec. 30, 1969, 83 Stat. 660; Pub. L. 91-614, title II, § 201(b)(3), Dec. 31, 1970, 84 Stat. 1843, effective with respect to amounts paid pursuant to bills first rendered on or after Jan. 1, 1982. In the case of communications services rendered before Nov. 1, 1981, for which a bill has not been rendered before Jan. 1, 1982, a bill shall be treated as having been first rendered on Dec. 31, 1981.

Pub. L. 96-499, title XI, § 1151, Dec. 5, 1980, 94 Stat. 2694; Pub. L. 97-34, title VIII, § 821, Aug. 13, 1981, 95 Stat. 351; Pub. L. 97-248, title II, § 282(a), Sept. 3, 1982, 96 Stat. 568; Pub. L. 98-369, div. A, title I, § 26, July 18, 1984, 98 Stat. 507; Pub. L. 99-514, title XVIII, § 1801(b), Oct.

22, 1986, 100 Stat. 2785; Pub. L. 100-203, title X, § 10501, Dec. 22, 1987, 101 Stat. 1330-438; Pub. L. 101-508, title XI, § 11217(a), Nov. 5, 1990, 104 Stat. 1388-437, amended section 4251 of this title, relating to the imposition of the tax on communications, extending the date in (and finally eliminating) provisions which had reduced the tax to zero after a specified date, without amending Pub. L. 90-364, title I, § 105(b)(3), June 28, 1968, 82 Stat. 266, which, as amended, had repealed this subchapter, effective with respect to amounts paid pursuant to bills first rendered on or after Jan. 1, 1982.

AMENDMENTS

1998—Subsec. (d)(3). Pub. L. 105-206 substituted "any other similar arrangement" for "other similar arrangement".

1997—Subsec. (d). Pub. L. 105-34 added subsec. (d).

1990—Subsec. (b)(2). Pub. L. 101-508 substituted "percent." for "percent; except that, with respect to amounts paid pursuant to bills first rendered after 1990, the applicable percentage shall be zero."

1987—Subsec. (b)(2). Pub. L. 100-203 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The term 'applicable percentage' means—

"With respect to amount paid pursuant to bills first rendered: The percentage is:

During 1983, 1984, 1985, 1986, or 1987	3
During 1988 or thereafter	0."

1986—Subsec. (b)(2). Pub. L. 99-514 inserted "1985," after "1984," in table.

1984—Subsec. (b)(2). Pub. L. 98-369 substituted "During 1983, 1984, 1986, or 1987" for "During 1983, 1984, or 1985" in item relating to an applicable percentage of 3 and substituted "During 1988 or thereafter" for "During 1986 or thereafter" in item relating to an applicable percentage of 0.

1982—Subsec. (a). Pub. L. 97-248 added subsec. (a) and struck out former subsec. (a) which provided that there was a tax on communication services specified as local telephone service, toll telephone service, and teletypewriter exchange service, directed that the tax was to be paid by the person paying for such services, and designated the tax as the percentage of the amount paid for the services as set out in the following table:

"Amounts paid pursuant to bills first rendered— Percent—

"Before January 1, 1973	10
During 1973	9
During 1974	8
During 1975	7
During 1976	6
During 1977	5
During 1978	4
During 1979	3
During 1980 or 1981	2
During 1982, 1983, or 1984	1"

Subsec. (b). Pub. L. 97-248 added subsec. (b) and struck out former subsec. (b) which provided that the tax imposed by former subsec. (a) would not apply to amounts paid pursuant to bills first rendered on or after January 1, 1985.

1981—Subsec. (a)(2). Pub. L. 97-34, § 821(a), substituted "During 1982, 1983, or 1984" for "During 1982" in table.

Subsec. (b). Pub. L. 97-34, § 821(b), extended termination date to Jan. 1, 1985, from Jan. 1, 1983.

1980—Subsec. (a)(2). Pub. L. 96-499, § 1151(a), substituted "During 1980 or 1981" for "During 1980" and "During 1982" for "During 1981" in table.

Subsec. (b). Pub. L. 96-499, § 1151(b), substituted "1983" for "1982".

1970—Subsec. (a)(2). Pub. L. 91-614, § 201(b)(1), substituted provisions providing the rate of tax on amounts paid for communication services pursuant to

bills first rendered before Jan. 1, 1973 is 10% of such amount, amounts paid pursuant to bills first rendered during 1973 is 9% of such amount, during 1974 is 8% of such amount, during 1975 is 7% of such amount, during 1976 is 6% of such amount, during 1977 is 5% of such amount, during 1978 is 4% of such amount, during 1979 is 3% of such amount, during 1980 is 2% of such amount, and during 1981 is 1% of such amount for provisions providing the rate of tax on amounts paid for communication services pursuant to bills first rendered before Jan. 1, 1971 is 10% of such amount, amounts paid pursuant to bills first rendered during 1971 is 5% of such amount, during 1972 is 3% of such amount, and during 1973 is 1% of such amount.

Subsec. (b). Pub. L. 91-614, § 201(b)(2), substituted "January 1, 1982" for "January 1, 1974".

1969—Subsec. (a)(2). Pub. L. 91-172, § 702(b)(1), increased rate of tax on amounts paid for communication services from 5 to 10 percent during 1970, from 3 to 5 percent during 1971, from 1 to 3 percent during 1972, and imposed a 1 percent tax on amounts paid for communication services during 1973.

Subsec. (b). Pub. L. 91-172, § 702(b)(2), substituted "January 1, 1974" for "January 1, 1973".

1968—Subsec. (a)(2). Pub. L. 90-364, § 105(b)(1), extended from April 30, 1968, through the end of 1969 the period for the imposition of the 10 percent rate, thereby increasing the rate from 1 percent to 10 percent for the period May 1, 1968, through the end of 1968 and from 0 percent to 10 percent for 1969, and imposed a rate of 5 percent during 1970, a rate of 3 percent during 1971, and a rate of 1 percent during 1972.

Pub. L. 90-285 substituted "April 30, 1968" and "May 1, 1968" for "March 31, 1968" and "April 1, 1968" respectively.

Subsec. (b). Pub. L. 90-364, § 105(b)(2), substituted "1973" for "1969".

Subsec. (c). Pub. L. 90-364, § 105(b)(2), extended provisions calling for treatment of bills not rendered before the end of a year for service rendered before November 1 of that year as having been first rendered on December 31 of that year so as to include years subsequent to 1968 and struck out special provision for the application of subsec. (a) in the case of communication services rendered before March 1, 1968, for which a bill was not rendered before May 1, 1968.

Pub. L. 90-285 substituted "March 1, 1968," for "February 1, 1968", "May 1, 1968" for "April 1, 1968", "April 30, 1968" for "March 31, 1968", and "February 29, 1968" for "January 31, 1968".

1966—Subsec. (a)(2). Pub. L. 89-368, § 202(a)(1), increased to 10 percent the schedule of rates for tax imposed for the period up to April 1, 1968, and authorized a reduction to 1 percent for the period after March 31, 1968, and before January 1, 1969.

Subsec. (c). Pub. L. 89-368, § 202(a)(2), conformed subsection to rate reduction schedule alterations by providing that, in the case of communications services rendered before February 1, 1968, for which a bill has not been rendered before April 1, 1968, the bill shall be treated as having been first rendered on March 31, 1968, and, in the case of services rendered after January 31, 1968, and before November 1, 1968, for which a bill has not been rendered before January 1, 1969, the bill shall be treated as having first been rendered on December 31, 1968.

1965—Subsec. (a). Pub. L. 89-44, § 302, substituted local telephone service, toll telephone service, and teletypewriter exchange service, for general telephone service, toll telephone service, telegraph service, teletypewriter exchange service, wire mileage service, and wire and equipment service as the taxed services and reduced the rate of tax to 3 percent during 1966, 2 percent during 1967, and 1 percent during 1968.

Subsec. (b). Pub. L. 89-44, § 302, added subsec. (b). Pub. L. 89-44, § 701(b)(2)(B), repealed former subsec. (b), as in effect June 30, 1965, effective on and after July 1, 1965. Such repealed provision had called for termination of the tax on general telephone service as of July 1, 1965.

Subsec. (c). Pub. L. 89-44, § 302, added subsec. (c).

1964—Subsec. (b)(2). Pub. L. 88-348 substituted “July 1, 1965” for “July 1, 1964” in two places.

1963—Subsec. (b)(2). Pub. L. 88-52 substituted “July 1, 1964” for “July 1, 1963” in two places.

1962—Subsec. (b)(2). Pub. L. 87-508 substituted “July 1, 1963” for “July 1, 1962” in two places.

1961—Subsec. (b)(2). Pub. L. 87-72 substituted “July 1, 1962” for “July 1, 1961” in two places.

1960—Subsec. (b)(2). Pub. L. 86-564 substituted “July 1, 1961” for “July 1, 1960” in two places.

1959—Pub. L. 86-75 designated former provisions as subsec. (a) and added subsec. (b).

1958—Pub. L. 85-859 redesignated “local telephone service” as “general telephone service”, “long distance telephone service” as “toll telephone service” and “leased wire, teletypewriter or talking circuit special service” as “teletypewriter exchange service” and “wire mileage service”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-206 effective, except as otherwise provided, as if included in the provisions of the Taxpayer Relief Act of 1997, Pub. L. 105-34, to which such amendment relates, see section 6024 of Pub. L. 105-206, set out as a note under section 1 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-34, title X, §1034(b), Aug. 5, 1997, 111 Stat. 937, provided that: “The amendments made by this section [amending this section] shall apply to amounts paid in calendar months beginning more than 60 days after the date of the enactment of this Act [Aug. 5, 1997].”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-514 effective, except as otherwise provided, as if included in the provisions of the Tax Reform Act of 1984, Pub. L. 98-369, div. A, to which such amendment relates, see section 1881 of Pub. L. 99-514, set out as a note under section 48 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97-248, title II, §282(b), Sept. 3, 1982, 96 Stat. 568, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to amounts paid for communications services pursuant to bills first rendered after December 31, 1982.”

EFFECTIVE DATE OF 1968 AMENDMENTS

Amendment by Pub. L. 90-364 effective Apr. 30, 1968, see section 105(c) of Pub. L. 90-364, set out as a note under section 6412 of this title.

Amendment by Pub. L. 90-285 effective Mar. 31, 1968, see section 1(b) of Pub. L. 90-285, set out as a note under section 6412 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Pub. L. 89-368, title II, §202(c), Mar. 15, 1966, 80 Stat. 66, provided that: “The amendments made by subsections (a) [amending this section] and (b) [amending section 4253 of this title] shall apply to amounts paid pursuant to bills first rendered on or after April 1, 1966, for services rendered on or after such date. In the case of amounts paid pursuant to bills rendered on or after such date for services which were rendered before such date and 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 subchapter B of chapter 33 of the Code in effect at the time such services were rendered, subject to the provision of section 701(b)(2) of the Excise Tax Reduction Act of 1965 [see Effective Date of 1965 Amendment note below], shall apply to the amounts paid for such services.”

EFFECTIVE DATE OF 1965 AMENDMENT

Pub. L. 89-44, title VII, §701(b)(2)(A), June 21, 1965, 79 Stat. 156, provided that: “The amendments made by

section 302 [amending this section and sections 4252, 4253, and 4254 of this title] (relating to communication services) shall apply to amounts paid pursuant to bills rendered on or after January 1, 1966, for services rendered on or after such date. In the case of amounts paid pursuant to bills rendered on or after January 1, 1966, for services which were rendered before such date and 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 subchapter B of chapter 33 of the Code in effect at the time such services were rendered shall apply to the amounts paid for such services.”

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-859, title I, §133(b), Sept. 2, 1958, 72 Stat. 1292, as amended by Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, provided that:

“(1) Subject to the provisions of paragraph (2), the amendment made by subsection (a) [amending this section and sections 4252 to 4254 of this title] shall apply with respect to amounts paid on or after the effective date prescribed in section 1(c) of this Act for services rendered on or after such date.

“(2) The amendment made by subsection (a) [amending this section and sections 4252 to 4254 of this title] shall not apply with respect to amounts paid pursuant to bills rendered before the effective date prescribed in section 1(c) of this Act. 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 subchapter B of chapter 33 of the Internal Revenue Code of 1986 [formerly I.R.C. 1954] in effect at the time such services were rendered shall apply to the amounts paid for such services.”

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§1101-1147 and 1171-1177] or title XVIII [§§1800-1899A] of Pub. L. 99-514 require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of this title.

§ 4252. Definitions

(a) Local telephone service

For purposes of this subchapter, the term “local telephone service” means—

(1) the access to a local telephone system, and the privilege of telephonic quality communication with substantially all persons having telephone or radio telephone stations constituting a part of such local telephone system, and

(2) any facility or service provided in connection with a service described in paragraph (1).

The term “local telephone service” does not include any service which is a “toll telephone service” or a “private communication service” as defined in subsections (b) and (d).

(b) Toll telephone service

For purposes of this subchapter, the term “toll telephone service” means—

(1) a telephonic quality communication for which (A) there is a toll charge which varies in