

tax, see section 2(d) of Pub. L. 96-596, set out as an Effective Date note under section 4961 of this title.

**§ 4953. Tax on excess contributions to black lung benefit trusts**

**(a) Tax imposed**

There is hereby imposed for each taxable year a tax in an amount equal to 5 percent of the amount of the excess contributions made by a person to or under a trust or trusts described in section 501(c)(21). The tax imposed by this subsection shall be paid by the person making the excess contribution.

**(b) Excess contribution**

For purposes of this section, the term “excess contribution” means the sum of—

(1) the amount by which the amount contributed for the taxable year to a trust or trusts described in section 501(c)(21) exceeds the amount of the deduction allowable to such person for such contributions for the taxable year under section 192, and

(2) the amount determined under this subsection for the preceding taxable year, reduced by the sum of—

(A) the excess of the maximum amount allowable as a deduction under section 192 for the taxable year over the amount contributed to the trust or trusts for the taxable year, and

(B) amounts distributed from the trust to the contributor which were excess contributions for the preceding taxable year.

**(c) Treatment of withdrawal of excess contributions**

Amounts distributed during the taxable year from a trust described in section 501(c)(21) to the contributor thereof the sum of which does not exceed the amount of the excess contribution made by the contributor shall not be treated as—

(1) an act of self-dealing (within the meaning of section 4951),

(2) a taxable expenditure (within the meaning of section 4952), or

(3) an act contrary to the purposes for which the trust is exempt from taxation under section 501(a).

(Added Pub. L. 95-227, §4(c)(1), Feb. 10, 1978, 92 Stat. 22.)

**Subchapter C—Political Expenditures of Section 501(c)(3) Organizations**

Sec.  
4955. Taxes on political expenditures of section 501(c)(3) organizations.

**PRIOR PROVISIONS**

A prior subchapter C, consisting of sections 4961 to 4963 of this title, was redesignated subchapter E.

**§ 4955. Taxes on political expenditures of section 501(c)(3) organizations**

**(a) Initial taxes**

**(1) On the organization**

There is hereby imposed on each political expenditure by a section 501(c)(3) organization a tax equal to 10 percent of the amount there-

of. The tax imposed by this paragraph shall be paid by the organization.

**(2) On the management**

There is hereby imposed on the agreement of any organization manager to the making of any expenditure, knowing that it is a political expenditure, a tax equal to 2½ percent of the amount thereof, unless such agreement is not willful and is due to reasonable cause. The tax imposed by this paragraph shall be paid by any organization manager who agreed to the making of the expenditure.

**(b) Additional taxes**

**(1) On the organization**

In any case in which an initial tax is imposed by subsection (a)(1) on a political expenditure and such expenditure is not corrected within the taxable period, there is hereby imposed a tax equal to 100 percent of the amount of the expenditure. The tax imposed by this paragraph shall be paid by the organization.

**(2) On the management**

In any case in which an additional tax is imposed by paragraph (1), if an organization manager refused to agree to part or all of the correction, there is hereby imposed a tax equal to 50 percent of the amount of the political expenditure. The tax imposed by this paragraph shall be paid by any organization manager who refused to agree to part or all of the correction.

**(c) Special rules**

For purposes of subsections (a) and (b)—

**(1) Joint and several liability**

If more than 1 person is liable under subsection (a)(2) or (b)(2) with respect to the making of a political expenditure, all such persons shall be jointly and severally liable under such subsection with respect to such expenditure.

**(2) Limit for management**

With respect to any 1 political expenditure, the maximum amount of the tax imposed by subsection (a)(2) shall not exceed \$5,000, and the maximum amount of the tax imposed by subsection (b)(2) shall not exceed \$10,000.

**(d) Political expenditure**

For purposes of this section—

**(1) In general**

The term “political expenditure” means any amount paid or incurred by a section 501(c)(3) organization in any participation in, or intervention in (including the publication or distribution of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

**(2) Certain other expenditures included**

In the case of an organization which is formed primarily for purposes of promoting the candidacy (or prospective candidacy) of an individual for public office (or which is effectively controlled by a candidate or prospective candidate and which is availed of primarily for such purposes), the term “political expenditure” includes any of the following amounts paid or incurred by the organization: