

graph (B) thereof, except as provided by the Secretary in regulations).

**(B) Health insurance issuer**

The term “health insurance issuer” has the meaning given such term by section 9832(b)(2).

**(6) Person that administers the plan benefits**

The term “person that administers the plan benefits” shall include the plan sponsor if the plan sponsor administers benefits under the plan.

**(7) Plan sponsor**

The term “plan sponsor” has the meaning given such term in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

**(8) Taxable period**

The term “taxable period” means the calendar year or such shorter period as the Secretary may prescribe. The Secretary may have different taxable periods for employers of varying sizes.

**(9) Aggregation rules**

All employers treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

**(10) Denial of deduction**

**For denial of a deduction for the tax imposed by this section, see section 275(a)(6).**

**(g) Regulations**

The Secretary shall prescribe such regulations as may be necessary to carry out this section.

(Added and amended Pub. L. 111-148, title IX, §9001(a), title X, §10901(a), (b), Mar. 23, 2010, 124 Stat. 847, 1015, 1016; Pub. L. 111-152, title I, §1401(a), Mar. 30, 2010, 124 Stat. 1059.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (f)(2)(C), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XVIII of the Act is classified generally to subchapter XVIII (§1395 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (f)(3), is classified to section 3796b of Title 42, The Public Health and Welfare.

Section 3(y) of the Fair Labor Standards Act of 1938, referred to in subsec. (f)(3), is classified to section 203(y) of Title 29, Labor.

Section 3(16)(B) of the Employee Retirement Income Security Act of 1974, referred to in subsec. (f)(7), is classified to section 1002(16)(B) of Title 29, Labor.

AMENDMENTS

2010—Subsec. (b)(3)(B). Pub. L. 111-152, §1401(a)(1), designated existing provisions as cl. (i), inserted heading, substituted “Except as provided in clause (ii), the annual” for “The annual”, and added cl. (ii).

Subsec. (b)(3)(C). Pub. L. 111-152, §1401(a)(2)(A), struck out introductory provisions which read: “Except as provided in subparagraph (D)—”.

Subsec. (b)(3)(C)(i). Pub. L. 111-152, §1401(a)(2)(B)(i), substituted “2018” for “2013” in heading and introductory provisions.

Subsec. (b)(3)(C)(i)(I). Pub. L. 111-152, §1401(a)(2)(B)(ii), substituted “\$10,200 multiplied by the health cost adjustment percentage (determined by only taking into account self-only coverage)” for “\$3,500”.

Subsec. (b)(3)(C)(i)(II). Pub. L. 111-152, §1401(a)(2)(B)(iii), substituted “\$27,500 multiplied by the health cost adjustment percentage (determined by only taking into account coverage other than self-only coverage)” for “\$23,000”.

Subsec. (b)(3)(C)(ii), (iii). Pub. L. 111-152, §1401(a)(2)(C), added cls. (ii) and (iii). Former cls. (ii) and (iii) redesignated (iv) and (v), respectively.

Subsec. (b)(3)(C)(iv). Pub. L. 111-152, §1401(a)(2)(D), inserted “covered by the plan” after “whose employees” in introductory provisions, added subcls. (I) and (II), and struck out former subcls. (I) and (II) which read as follows:

“(I) the dollar amount in clause (i)(I) (determined after the application of subparagraph (D)) shall be increased by \$1,350, and

“(II) the dollar amount in clause (i)(II) (determined after the application of subparagraph (D)) shall be increased by \$3,000.”

Pub. L. 111-152, §1401(a)(2)(C), redesignated cl. (ii) as (iv).

Subsec. (b)(3)(C)(v). Pub. L. 111-152, §1401(a)(2)(E)(i), (ii), substituted “2018” for “2013” and “clauses (i) (after the application of clause (ii)) and (iv)” for “clauses (i) and (ii)” in introductory provisions.

Pub. L. 111-152, §1401(a)(2)(C), redesignated cl. (iii) as (v).

Subsec. (b)(3)(C)(v)(II). Pub. L. 111-152, §1401(a)(2)(E)(iii), inserted “in the case of determinations for calendar years beginning before 2020” after “1 percentage point”.

Subsec. (b)(3)(D). Pub. L. 111-152, §1401(a)(3), struck out subpar. (D) which provided transition rule for States with highest coverage costs.

Subsec. (d)(1)(B)(i). Pub. L. 111-148, §10901(b), substituted “section 9832(c)(1) (other than subparagraph (G) thereof)” for “section 9832(c)(1)(A)”.

Subsec. (d)(1)(B)(ii), (iii). Pub. L. 111-152, §1401(a)(4), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (d)(3). Pub. L. 111-152, §1401(a)(5), added par. (3).

Subsec. (f)(3). Pub. L. 111-148, §10901(a), inserted “individuals whose primary work is longshore work (as defined in section 258(b) of the Immigration and Nationality Act (8 U.S.C. 1288(b)), determined without regard to paragraph (2) thereof,” before “and individuals engaged in the construction, mining”.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-148, title X, §10901(c), Mar. 23, 2010, 124 Stat. 1016, as amended by Pub. L. 111-152, title I, §1401(b)(2), Mar. 30, 2010, 124 Stat. 1060, provided that: “The amendments made by this section [amending this section] shall apply to taxable years beginning after December 31, 2017.”

EFFECTIVE DATE

Pub. L. 111-148, title IX, §9001(c), Mar. 23, 2010, 124 Stat. 853, as amended by Pub. L. 111-152, title I, §1401(b)(1), Mar. 30, 2010, 124 Stat. 1060, provided that: “The amendments made by this section [enacting this section] shall apply to taxable years beginning after December 31, 2017.”

**CHAPTER 44—QUALIFIED INVESTMENT ENTITIES**

- Sec.  
4981. Excise tax on undistributed income of real estate investment trusts.  
4982. Excise tax on undistributed income of regulated investment companies.

AMENDMENTS

1986—Pub. L. 99-514, title VI, §651(c), Oct. 22, 1986, 100 Stat. 2297, substituted: “QUALIFIED INVESTMENT ENTITIES” for “REAL ESTATE INVESTMENT TRUSTS” as chapter heading, substituted “Excise tax on undistributed income of real estate investment