

Public Law 95-488
95th Congress

An Act

To amend the Internal Revenue Code of 1954 to insure that the deduction for contributions to a black lung benefit trust be allowed for any such contributions which are made for the purpose of satisfying unfunded future liability, and for other purposes.

Oct. 20, 1978

[H.R. 13167]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 192 of the Internal Revenue Code of 1954 (relating to contributions to black lung benefit trusts) is amended to read as follows:

Taxes.
Deductions for
contributions to a
black lung
benefit trust.
26 USC 192.

“(b) **LIMITATION.**—The maximum amount of the deduction allowed by subsection (a) for any taxpayer for any taxable year shall not exceed the greater of—

“(1) the amount necessary to fund (with level funding) the remaining unfunded liability of the taxpayer for black lung claims filed (or expected to be filed) by (or with respect to) past or present employees of the taxpayer, or

“(2) the aggregate amount necessary to increase each trust described in section 501(c)(21) to the amount required to pay all amounts payable out of such trust for the taxable year.”

26 USC 501.

(b) Paragraph (1) of section 192(c) of such Code (relating to special rules) is amended to read as follows:

26 USC 192.

“(1) **METHOD OF DETERMINING AMOUNTS REFERRED TO IN SUBSECTION (b).**—

“(A) **IN GENERAL.**—The amounts described in subsection (b) shall be determined by using reasonable actuarial methods and assumptions which are not inconsistent with regulations prescribed by the Secretary.

“(B) **FUNDING PERIOD.**—Except as provided in subparagraph (C), the funding period for purposes of subsection (b) (1) shall be the greater of—

“(i) the average remaining working life of miners who are present employees of the taxpayer, or

“(ii) 10 taxable years.

For purposes of the preceding sentence, the term ‘miner’ has the same meaning as such term has when used in section 402 (d) of the Black Lung Benefits Act (30 U.S.C. 902(d)).

“Miner.”

“(C) **DIFFERENT FUNDING PERIODS.**—To the extent that—

“(i) regulations prescribed by the Secretary provide for a different period, or

“(ii) the Secretary consents to a different period proposed by the taxpayer,

such different period shall be substituted for the funding period provided in subparagraph (B).”

(c) Subsection (c) of section 192 of such Code is amended by adding at the end thereof the following new paragraph:

“(5) **DENIAL OF SECTION 162 DEDUCTION WITH RESPECT TO LIABILITY.**—No deduction shall be allowed under section 162(a) with respect to any liability taken into account in determining the deduction under subsection (a) of this section of the taxpayer (or a predecessor).”

26 USC 162.

- 26 USC 6104. (d) (1) The first sentence of subparagraph (A) of section 6104(a) (1) of such Code (relating to inspection of applications for tax exemption) is amended by striking out "(other than in paragraph (21) thereof)".
- (2) Subsection (b) of section 6104 of such Code (relating to inspection of annual information returns) is amended by striking out the last sentence.
- 26 USC 192 note. (e) The amendments made by this section shall apply to taxable years beginning after December 31, 1977. Nothing in the amendments made by subsection (d) to section 6104 of the Internal Revenue Code of 1954 shall be construed to permit the disclosure under such section 6104 of confidential business information of contributors to any trust described in section 501(c) (21) of such Code.
- 26 USC 501.

Approved October 20, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1656 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 124 (1978):
Oct. 3, considered and passed House.
Oct. 10, considered and passed Senate.