

revenue officer to whom the tax is to be paid. The application will be examined, and within 30 days, if possible, will be denied, granted, or tentatively granted subject to certain conditions of which the taxpayer will be notified. If an additional extension is desired, the request therefor must be made on or before the expiration of the period for which the prior extension is granted.

(d) *Payment pursuant to extension.* If an extension of time for payment is granted, the amount the time for payment of which is so extended shall be paid on or before the expiration of the period of the extension without the necessity of notice and demand. The granting of an extension of the time for payment of the tax or deficiency does not relieve the taxpayer from liability for the payment of interest thereon during the period of the extension. See section 6601 and §301.6601-1 of this chapter (Regulations on Procedure and Administration).

§53.6165-1 Bonds where time to pay tax or deficiency has been extended.

If an extension of time for payment of tax or deficiency is granted under section 6161, the district director or the director of the service center may, if he deems it necessary, require a bond for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension. However, such bond shall not exceed double the amount with respect to which the extension is granted. For provisions relating to form of bonds, see the regulations under section 7101 contained in part 301 of this chapter (Regulations on Procedure and Administration).

§53.6601-1 Interest on underpayment, nonpayment, or extensions of time for payment, of tax.

For regulations concerning interest on underpayment, nonpayment, or extensions of time for payment of tax, see §301.6601-1 of this chapter (Regulations on Procedure and Administration).

§53.6651-1 Failure to file tax return or to pay tax.

(a) *General rules.* For general rules relating to the failure to file tax return or to pay tax, see the regulations under section 6651 contained in part 301 of this chapter (Regulations on Procedure and Administration).

(b) *Special rule where foundation files return.* (1) Except as provided in paragraph (b)(2) of this section, in the case of tax imposed by section 4941(a)(1) on any disqualified person, reasonable cause shall be presumed, for purposes of section 6651(a)(1), where the private foundation or trust described in section 4947(a)(2) files a return in good faith and such return indicates no tax liability with respect to such tax on the part of such disqualified person.

(2) Paragraph (b)(1) of this section shall not apply where the disqualified person knew of facts which, if known by the foundation, would have precluded the foundation from making the return, as filed, in good faith.

§53.7101-1 Form of bonds.

For provisions relating to form of bonds, see the regulations under section 7101 contained in part 301 of this chapter (Regulations on Procedure and Administration).

PART 54—PENSION EXCISE TAXES

Sec.

- 54.4971-1 General rules relating to excise tax on failure to meet minimum funding standards.
- 54.4972-1 Tax on excess contributions to plans benefiting self-employed individuals.
- 54.4974-1 Excise tax on accumulations in individual retirement accounts or annuities.
- 54.4974-2 Excise tax on accumulations in qualified retirement plans.
- 54.4975-1 General rules relating to excise tax on prohibited transactions.
- 54.4975-6 Statutory exemptions for office space or services and certain transactions involving financial institutions.
- 54.4975-7 Other statutory exemptions.
- 54.4975-9 Definition of "fiduciary".
- 54.4975-11 "ESOP" requirements.
- 54.4975-12 Definition of the term "qualifying employer security".
- 54.4975-14 Election to pay an excise tax for certain pre-1975 prohibited transactions.
- 54.4975-15 Other transitional rules.

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- 54.4976-1T Questions and answers relating to taxes with respect to welfare benefit funds (temporary).
- 54.4977-1T Questions and answers relating to the election concerning lines of business in existence on January 1, 1984 (temporary).
- 54.4978-1T Questions and answers relating to the tax on certain dispositions by employee stock ownership plans and certain cooperatives (temporary).
- 54.4979-0 Excise tax on certain excess contributions and excess aggregate contributions; table of contents.
- 54.4979-1 Excise tax on certain excess contributions and excess aggregate contributions.
- 54.4980B-0 Table of contents.
- 54.4980B-1 CORBA in general.
- 54.4980B-2 Plans that must comply.
- 54.4980B-3 Qualified beneficiaries.
- 54.4980B-4 Qualifying events.
- 54.4980B-5 CORBA continuation coverage.
- 54.4980B-6 Electing COBRA continuation coverage.
- 54.4980B-7 Duration of CORBA continuation coverage.
- 54.4980B-8 Paying for COBRA continuation coverage.
- 54.4980B-9 Business reorganizations and employer withdrawals from multiemployer plans.
- 54.4980B-10 Interaction of FMLA and COBRA.
- 54.4980F-1 Notice requirements for certain pension plan amendments significantly reducing the rate of future benefit accrual.
- 54.4981A-1T Tax on excess distributions and excess accumulations (temporary).
- 54.6011-1 General requirement of return, statement, or list.
- 54.6011-1T General requirement of return, statement, or list (temporary).
- 54.6011-4 Requirement of statement disclosing participation in certain transactions by taxpayers.
- 54.9801-1 Basis and scope.
- 54.9801-2 Definitions.
- 54.9801-3 Limitations on preexisting condition exclusion period.
- 54.9801-4 Rules relating to creditable coverage.
- 54.9801-5 Evidence of creditable coverage.
- 54.9801-6 Special enrollment periods.
- 54.9802-1 Prohibiting discrimination against participants and beneficiaries based on a health factor.
- 54.9802-1T Prohibiting discrimination against participants and beneficiaries based on a health factor (temporary).
- 54.9811-1T Standards relating to benefits for mothers and newborns (temporary).
- 54.9812-1T Parity in the application of certain limits to mental health benefits (temporary).

- 54.9831-1 Special rules relating to group health plans.
- 54.9833-1 Effective dates.

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Section 54.4974-2 also issued under 26 U.S.C. 4974.

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Section 54.4980B-8 also issued under 26 U.S.C. 4980B.

Section 54.4980B-9 also issued under 26 U.S.C. 4980B.

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Section 54.9801-6 also issued under 26 U.S.C. 9833.

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Section 54.9811-1T also issued under 26 U.S.C. 9833.

Section 54.9812-1T also issued under 26 U.S.C. 9833.

Section 54.9831-1 also issued under 26 U.S.C. 9833.

Section 54.9833-1 also issued under 26 U.S.C. 9833.

§ 54.4971-1 General rules relating to excise tax on failure to meet minimum funding standards.

(a)-(b) [Reserved]

(c) *Additional tax.* Section 4971(b) imposes an excise tax in any case in which an initial tax is imposed under section 4971(a) on an accumulated funding deficiency and the accumulated

funding deficiency is not corrected within the taxable period (as defined in section 4971(c)(3)). The additional tax is 100 percent of the accumulated funding deficiency to the extent not corrected.

(d) [Reserved]

(e) *Definition of taxable period*—(1) *In general.* For purposes of any accumulated funding deficiency, the term “taxable period” means the period beginning with the end of the plan year in which there is an accumulated funding deficiency and ending on the earlier of:

(i) The date of mailing of a notice of deficiency under section 6212 with respect to the tax imposed by section 4971(a), or

(ii) The date on which the tax imposed by section 4971(a) is assessed.

(2) *Special rule.* Where a notice of deficiency referred to in paragraph (e)(1)(i) of this section is not mailed because a waiver of the restrictions on assessment and collection of a deficiency has been accepted or because the deficiency is paid, the date of filing of the waiver or the date of such payment, respectively, shall be treated as the end of the taxable period.

[T.D. 8084, 51 FR 16305, May 2, 1986]

§ 54.4972-1 Tax on excess contributions to plans benefiting self-employed individuals.

(a) *In general.* Section 4972 imposes a tax of 6 percent on the amount of the excess contributions (as defined in section 4972 (b) and (c) of this section) under certain qualified plans (as defined in paragraph (b) of this section) for each taxable year beginning after December 31, 1975, of the employer who maintains such plan. Partnerships and sole proprietors are to report this tax by filing Form 5330 (or other designated form) and the tax is to be paid annually at the time prescribed for filing such return (determined without regard to any extension of time for filing).

(b) *Employers to whom section applies.* The tax under section 4972 is imposed on employers who maintain a qualified plan during their taxable year. For this purpose, the term *qualified plan* means a pension or profit-sharing plan which includes a trust described in section 401(a), an annuity plan described in sec-

tion 403(a), or a bond purchase plan described in section 405(a). In addition to being a qualified plan, the plan must provide contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1). For this purpose, the plan does not have to provide contributions or benefits for employees who are employees within the meaning of section 401(c)(1) during the taxable year; it is sufficient that the plan so provided in a prior taxable year.

(c) *Excess contributions*—(1) *In general.* For a taxable year of an employer for purposes of section 4972 and this section, the term “excess contributions” means:

(i) The amount (if any) by which the sum of:

(A) The amount (if any) determined under section 4972(b)(2) and paragraph (d) of this section, plus

(B) The amount (if any) determined under section 4972(b)(3) and paragraph (e) of this section, plus

(C) The amount (if any) determined under section 4972(b)(4) and paragraph (f) of this section, exceeds

(ii) The amount (if any) of any correcting distributions (as defined in section 4972(b)(5) and paragraph (g) of this section) made in all prior taxable years beginning after December 31, 1975.

(2) *Contributions allocable to insurance.* For purposes of section 4972(b) and this section, the amount of any contribution made under the plan which is allocable to the purchase of life, accident, health, or other insurance is not taken into account. The amount of any contribution which is allocable to the cost of insurance protection is determined in accordance with the provisions of paragraph (g) of § 1.404(e)-1A and paragraph (b) of § 1.72-16.

(d) *Contributions by owner-employees*—(1) *General rule.* In the case of a plan which provides contributions or benefits for employees some or all of whom are owner-employees, within the meaning of section 401(c)(3), the amount determined under section 4972(b)(2) and this paragraph for the employer’s taxable year is the amount computed separately with respect to each owner-employee equal to the sum of:

(i) The excess (if any) of