

Subtitle A—Income Taxes

Chapter

1. Normal taxes and surtaxes.
2. Tax on self-employment income.
- 2A. Unearned income Medicare contribution.
3. Withholding of tax on nonresident aliens and foreign corporations.
4. Taxes to enforce reporting on certain foreign accounts.
- [5. Repealed.]
6. Consolidated returns.

AMENDMENTS

2010—Pub. L. 111–152, title I, §1402(a)(3), Mar. 30, 2010, 124 Stat. 1062, which directed amendment of the "table of chapters for subtitle A of chapter 1 of the Internal Revenue Code of 1986" by adding item for chapter 2A, was executed by adding item for chapter 2A to the table of chapters for this subtitle **to reflect the probable intent of Congress**.

Pub. L. 111–147, title V, §501(c)(8), Mar. 18, 2010, 124 Stat. 106, which directed amendment of the "table of chapters of the Internal Revenue Code of 1986" by adding item for chapter 4 "at the end", was executed by adding item for chapter 4 after item for chapter 3 in the table of chapters for this subtitle **to reflect the probable intent of Congress**.

1997—Pub. L. 105–34, title XI, §1131(c)(4), Aug. 5, 1997, 111 Stat. 980, struck out item for chapter 5 "Tax on transfers to avoid income tax".

1990—Pub. L. 101–508, title XI, §11801(b)(11), Nov. 5, 1990, 104 Stat. 1388–522, struck out item for chapter 4 "Rules applicable to recovery of excessive profits on government contracts".

1984—Pub. L. 98–369, div. A, title IV, §474(r)(29)(D), July 18, 1984, 98 Stat. 844, struck out "and tax-free covenant bonds" at end of item for chapter 3.

§26. Limitation based on tax liability; definition of tax liability

AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107–147, §417(23)(B), amended directory language of Pub. L. 107–16, §618(b)(2)(C). See 2001 Amendment note below.

Subsec. (a)(2). Pub. L. 107–147, §601(a), substituted "rule for 2000, 2001, 2002, and 2003" for "rule for 2000 and 2001" in heading and "during 2000, 2001, 2002, or 2003," for "during 2000 or 2001," in introductory provisions.

Subsec. (b)(2)(P), (Q). Pub. L. 107–147, §415(a), which directed striking "and" at end of subpar. (P) and substituting ", and" for the period at the end of subpar. (Q), was executed to subpars. (P) and (Q) as redesignated by Pub. L. 105–34, §213(e)(1), **to reflect the probable intent of Congress**. See 1997 Amendment notes below.

Subsec. (b)(2)(R). Pub. L. 107–147, §415(a), added subpar. (R).

1989—Subsec. (b)(2)(C), (D). Pub. L. 101–239, §7811(c)(1), amended subpars. (C) and (D) generally. Prior to amendment, subpars. (C) and (D) read as follows:

"(C) subsection (m)(5)(B) (q), or (v) of section 72 (relating to additional tax on certain distributions),

"(D) section 72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans),".

Subsec. (b)(2)(K). Pub. L. 101–239, §7811(c)(2), added subpar. (K) and struck out former subpar. (K) which was identical.

Subsec. (b)(2)(L), (M). Pub. L. 101–239, §7811(c)(2), added subpars. (L) and (M) and struck out former subpars. (L) and (M) which read as follows:

"(L) section 860E(e) (relating to taxes with respect to certain residual interests), and

"(L) section 884 (relating to branch profits tax), and

"(M) section 143(m) (relating to recapture of portion of federal subsidy from use of mortgage bonds and

mortgage credit certificates)."

Subsec. (b)(2)(N). Pub. L. 101-239, §7821(a)(4)(A), which directed amendment of subsec. (b)(2) of this section "as amended by section 11811" by adding subpar. (N), was executed as if it directed amendment of subsec. (b)(2) of this section "as amended by section 7811", to reflect the probable intent of Congress and the renumbering of section 11811 of H.R. 3299 as section 7811 prior to the enactment of H.R. 3299 into law as Pub. L. 101-239.

SUBPART C—REFUNDABLE CREDITS

Sec.	
31.	Tax withheld on wages.
32.	Earned income.
33.	Tax withheld at source on nonresident aliens and foreign corporations.
34.	Certain uses of gasoline and special fuels.
35.	Health insurance costs of eligible individuals.
36.	First-time homebuyer credit.
[36A.]	Repealed.]
36B.	Refundable credit for coverage under a qualified health plan.
[36C.]	Renumbered.]
37.	Overpayments of tax.

AMENDMENTS

2014—Pub. L. 113-295, div. A, title II, §221(a)(5)(A), Dec. 19, 2014, 128 Stat. 4037, struck out item 36A "Making work pay credit".

2010—Pub. L. 111-148, title X, §10909(b)(2)(Q), (c), Mar. 23, 2010, 124 Stat. 1023, as amended by Pub. L. 111-312, title I, §101(b)(1), Dec. 17, 2010, 124 Stat. 3298, temporarily added item 36C "Adoption expenses". See Effective and Termination Dates of 2010 Amendment note set out under section 1 of this title. Pub. L. 111-148, title I, §1401(d)(2), Mar. 23, 2010, 124 Stat. 220, added item 36B.

2009—Pub. L. 111-5, div. B, title I, §1001(e)(3), Feb. 17, 2009, 123 Stat. 312, added item 36A.

2008—Pub. L. 110-289, div. C, title I, §3011(b)(4), July 30, 2008, 122 Stat. 2891, added item 36 and redesignated former item 36 as 37.

2002—Pub. L. 107-210, div. A, title II, §201(c)(2), Aug. 6, 2002, 116 Stat. 960, which directed amendment of the table of sections for subpart C of part IV of this chapter by adding items 35 and 36 and striking out the last item, was executed to the table of sections for this subpart which is in part IV of subchapter A of this chapter by adding those items and striking out former item 35 "Overpayments of tax" to reflect the probable intent of Congress.

§32. Earned income

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-600, §104(a), substituted "subtitle" for "chapter" and "\$5,000" for "\$4,000".

Subsec. (b). Pub. L. 95-600, §104(b), substituted provision limiting the allowable credit to an amount not to exceed the excess of \$500 over 12.5 percent of so much of the adjusted gross income for the taxable year as exceeds \$6,000 for provision limiting the allowable credit to an amount reduced by 10 percent of so much of the adjusted gross income for the taxable year as exceeds \$4,000.

Subsec. (c)(1). Pub. L. 95-600, §104(e), amended par. (1) generally, substituting in definition of eligible individual one who is married and is entitled to a deduction under section 151 for a child, provided the child has the same principal abode as the individual and the abode is in the United States, is a surviving spouse, or is a head of household, provided the household is in the United States for one who maintains a household in the United States which is the principal abode of that individual and a child of that individual who meets the requirements of section 151(e)(1)(B) or a child of that individual who is disabled within the meaning of section 72(m)(7) and to whom the individual is entitled to claim a deduction under section 151.

Subsec. (c)(1)(C). Pub. L. 95-615, §202(f)(5), which directed the amendment of subsec. (c)(1)(B) by substituting "(relating to income earned by employees in certain camps)" for "(relating to earned income from sources without the United States)", was executed to subsec. (c)(1)(C) to reflect the probable intent of

Subsec. (c)(2)(B). Pub. L. 95-600, §104(d), redesignated cls. (ii) to (iv) as (i) to (iii), respectively. Former cl. (i), which provided that amounts be taken into account only if includible in the gross income of the taxpayer for the taxable year, was struck out.

Subsec. (f). Pub. L. 95-600, §104(c), added subsec. (f).

Subsec. (h). Pub. L. 95-600, §105(a), added subsec. (h).

§34. Certain uses of gasoline and special fuels

AMENDMENTS

2007—Subsec. (a)(1). Pub. L. 110-172, §11(a)(4)(A), struck out "with respect to gasoline used during the taxable year on a farm for farming purposes" before "(determined without regard to section 6420(g))".

Subsec. (a)(2). Pub. L. 110-172, §11(a)(4)(B), which directed striking out "with respect to gasoline used during the taxable year: (A) otherwise than as a fuel in a highway vehicle; or (B) in vehicles while engaged in furnishing certain public passenger land transportation service", was executed by striking out "with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service" before "(determined without regard to section 6421(i))", **to reflect the probable intent of Congress**.

Subsec. (a)(3). Pub. L. 110-172, §11(a)(4)(C), struck out "with respect to fuels used for nontaxable purposes or resold during the taxable year" before "(determined without regard to section 6427(k))".

1984—Pub. L. 98-369, §471(c), renumbered section 39 of this title as this section.

Subsec. (a)(3). Pub. L. 98-369, §911(d)(2)(A), which directed the amendment of par. (4) by substituting "6427(j)" for "6427(i)" was executed to par. (3) **to reflect the probable intent of Congress** and the redesignation of par. (4) as (3) by Pub. L. 97-424.

Subsec. (b). Pub. L. 98-369, §911(d)(2)(A), substituted "6427(j)" for "6427(i)".

1976—Subsec. (a)(1). Pub. L. 94-455, §1906(b)(8), substituted "6420(g)" for "6420(h)".

Subsec. (a)(3). Pub. L. 94-455, §1906(b)(9), substituted "6424(f)" for "6424(g)".

Subsec. (a)(4). Pub. L. 94-530 substituted "6427(g)" for "6427(f)".

Subsec. (b). Pub. L. 94-530, which directed the amendment of subsec. (c) by substituting "6427(g)" for "6427(f)", was executed to subsec. (b) **to reflect the probable intent of Congress** and the redesignation of subsec. (c) as (b) by Pub. L. 94-455.

Pub. L. 94-455, §1901(a)(3), redesignated subsec. (c) as (b) and substituted "section 6421(i), 6424(f), or 6427(f), is payable" for "section 6421(i), 6424(g) or 6427(f) is payable". Former subsec. (b), relating to determination of taxpayers first taxable year with respect to tax credit for certain uses of gasoline and lubricating oil, was struck out.

Subsec. (c). Pub. L. 94-455, §1901(a)(3), redesignated subsec. (c) as (b).

§35. Health insurance costs of eligible individuals

AMENDMENTS

2011—Subsec. (a). Pub. L. 112-40, §241(b)(1), substituted "72.5 percent" for "65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)".

Subsec. (b)(1)(B). Pub. L. 112-40, §241(a), inserted ", and before January 1, 2014" after "2002".

Subsec. (c)(2)(B). Pub. L. 112-40, §241(b)(3)(A), struck out "and before February 13, 2011" after "paragraph" in introductory provisions.

Subsec. (e)(1)(K). Pub. L. 112-40, §241(b)(3)(B), substituted "Coverage" for "In the case of eligible coverage months beginning before February 13, 2012, coverage".

Subsec. (g)(10). Pub. L. 112-40, §241(b)(3)(C), which directed amendment of par. (9) relating to continued qualification of family members after certain events by striking out "In the case of eligible coverage months beginning before February 13, 2011—", was executed by striking out such introductory provisions in par. (10) **to reflect the probable intent of Congress** and the redesignation of par. (9) as (10) by Pub. L. 111-5, §3001(a)(14)(A), as amended by Pub. L. 113-295, §209(j)(3). See 2009 Amendment and Effective Date of 2014 Amendment notes below.

2010—Subsec. (a). Pub. L. 111–344, §111(a), substituted "February 13, 2011" for "January 1, 2011".
Subsec. (c)(2)(B). Pub. L. 111–344, §113(a), substituted "February 13, 2011" for "January 1, 2011" in introductory provisions.

Subsec. (e)(1)(K). Pub. L. 111–344, §117(a), substituted "February 13, 2012" for "January 1, 2011".

Subsec. (g)(9). Pub. L. 111–144 substituted "section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009" for "section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009".

Subsec. (g)(10). Pub. L. 111–344, §115(a), which directed amendment of par. (9) relating to continued qualification of family members after certain events by substituting "February 13, 2011" for "January 1, 2011", was executed by making the substitution in introductory provisions of par. (10) **to reflect the probable intent of Congress** and the redesignation of par. (9) as (10) by Pub. L. 111–5, §3001(a)(14)(A), as amended by Pub. L. 113–295, §209(j)(3). See 2009 Amendment and Effective Date of 2014 Amendment notes below.

SUBPART D—BUSINESS RELATED CREDITS

Sec.	
38.	General business credit.
39.	Carryback and carryforward of unused credits.
40.	Alcohol, etc., used as fuel.
40A.	Biodiesel and renewable diesel used as fuel.
41.	Credit for increasing research activities.
41. ¹	Employee stock ownership credit.
42.	Low-income housing credit.
43.	Enhanced oil recovery credit.
44.	Expenditures to provide access to disabled individuals.
[44A–H.]	Renumbered, Repealed.]
45.	Electricity produced from certain renewable resources, etc.
45A.	Indian employment credit.
45B.	Credit for portion of employer social security taxes paid with respect to employee cash tips.
45C.	Clinical testing expenses for certain drugs for rare diseases or conditions.
45D.	New markets tax credit.
45E.	Small employer pension plan startup costs.
45F.	Employer-provided child care credit.
45G.	Railroad track maintenance credit.
45H.	Credit for production of low sulfur diesel fuel.
45I.	Credit for producing oil and gas from marginal wells.
45K. ²	Credit for producing fuel from a nonconventional source.
45J.	Credit for production from advanced nuclear power facilities.
45L.	New energy efficient home credit.
45M.	Energy efficient appliance credit.
45N.	Mine rescue team training credit.
45O.	Agricultural chemicals security credit.
45P.	Employer wage credit for employees who are active duty members of the uniformed services.
45Q.	Credit for carbon dioxide sequestration.
45R.	Employee health insurance expenses of small employers.

AMENDMENTS

2010—Pub. L. 111–148, title I, §1421(e), Mar. 23, 2010, 124 Stat. 242, added item 45R.

2008—Pub. L. 110–343, div. B, title I, §115(c), Oct. 3, 2008, 122 Stat. 3831, which directed amendment of table of sections for subpart B by adding item 45Q at end, was executed by adding item 45Q at end of table of sections for this subpart **to reflect the probable intent of Congress**.

Pub. L. 110–245, title I, §111(d), June 17, 2008, 122 Stat. 1635, added item 45P.

Pub. L. 110–234, title XV, §§15321(b)(3)(B), 15343(d), May 22, 2008, 122 Stat. 1513, 1520, and Pub. L. 110–246, title XV, §§15321(b)(3)(B), 15343(d), June 18, 2008, 122 Stat. 2275, 2282, made identical

amendments, inserting ", etc.," after "Alcohol" in item 40 and adding item 45O. The amendments by Pub. L.

§38. General business credit

AMENDMENTS

2015—Subsec. (c)(4)(B)(ii) to (iv). Pub. L. 114–113, §121(b), added cl. (ii) and redesignated former cls. (ii) and (iii) as (iii) and (iv), respectively. Former cl. (iv) redesignated (v).

Subsec. (c)(4)(B)(v) to (x). Pub. L. 114–113, §186(d)(1), added cl. (v) and redesignated former cls. (v) to (ix) as (vi) to (x), respectively. Former cl. (x) redesignated (xi).

Pub. L. 114–113, §121(b), redesignated cls. (v) to (ix) as (vi) to (x), respectively.

Subsec. (c)(4)(B)(xi). Pub. L. 114–113, §186(d)(1), redesignated cl. (x) as (xi).

2014—Subsec. (b)(35) to (37). Pub. L. 113–295, §221(a)(2)(B), inserted "plus" at end of par. (35), redesignated par. (37) as (36), and struck out former par. (36) which read as follows: "the portion of the qualified plug-in electric vehicle credit to which section 30(c)(1) applies, plus".

Pub. L. 113–295, §209(f)(1), struck out "plus" at end of par. (35), added par. (36), and redesignated former par. (36) as (37). Amendment was executed to subsec. (b) as it appeared after amendment by Pub. L. 111–148, §1421(b), to reflect the probable intent of Congress, despite amendment being effective as if included in the enactment of Pub. L. 111–5. See 2010 Amendment and Effective Date of 2014 Amendment notes below.

Subsec. (c)(2)(A). Pub. L. 113–295, §220(b), substituted "credit" for "credit credit" in introductory

2008—Subsec. (b)(32). Pub. L. 110–246, §15343(b), added par. (32).

Subsec. (b)(33). Pub. L. 110–245 added par. (33).

Subsec. (b)(34). Pub. L. 110–343, §115(b), added par. (34).

Subsec. (b)(35). Pub. L. 110–343, §205(c), added par. (35).

Subsec. (c)(4)(B)(ii) to (iv). Pub. L. 110–289, §3022(b), added cl. (ii) and redesignated former cls. (ii) and (iii) as (iii) and (iv), respectively. Former cl. (iv) redesignated (v).

Subsec. (c)(4)(B)(v). Pub. L. 110–343, §316(b)(2), added cl. (v). Former cl. (v) redesignated (vi).

Pub. L. 110–343, §103(b)(1), added cl. (v). Former cl. (v) redesignated (vi).

Pub. L. 110–289, §3022(c), added cl. (v). Former cl. (v) redesignated (vi).

Pub. L. 110–289, §3022(b), redesignated cl. (iv) as (v).

Subsec. (c)(4)(B)(vi). Pub. L. 110–343, §316(b)(1), redesignated cl. (v) as (vi). Former cl. (vi) redesignated (vii).

Pub. L. 110–343, §103(b)(2), substituted "section 46 to the extent that such credit is attributable to the rehabilitation credit under section 47, but only with respect to" for "section 47 to the extent attributable to".

Pub. L. 110–343, §103(b)(1), which directed amendment of subpar. (B) by "redesignating clause (vi) as clause (vi) and (vii), respectively", was executed by redesignating cls. (v) and (vi) as (vi) and (vii), respectively, to reflect the probable intent of Congress.

Pub. L. 110–289, §3022(c), redesignated cl. (v) as (vi).

Subsec. (c)(4)(B)(vii). Pub. L. 110–343, §316(b)(1), redesignated cl. (vi) as (vii). Former cl. (vii) redesignated (viii).

Pub. L. 110–343, §103(b)(1), which directed amendment of subpar. (B) by "redesignating clause (vi) as clause (vi) and (vii), respectively", was executed by redesignating cls. (v) and (vi) as (vi) and (vii), respectively, to reflect the probable intent of Congress.

Subsec. (c)(4)(B)(viii). Pub. L. 110–343, §316(b)(1), redesignated cl. (vii) as (viii).

§40. Alcohol, etc., used as fuel

AMENDMENTS

1990—Subsec. (a)(2). Pub. L. 101–508, §11502(a)(1), substituted ", plus" for period at end.

Subsec. (a)(3). Pub. L. 101–508, §11502(a)(2), added par. (3).

Subsec. (b). Pub. L. 101–508, §11502(e)(2), which directed the insertion of ", and except as provided in subsection (h)" in introductory provisions without specifying the location of such insertion, was executed after "section" to reflect the probable intent of Congress.

Pub. L. 101–508, §11502(b)(3), substituted ", alcohol credit, and small ethanol producer credit" for "and alcohol credit" in heading.

Subsec. (b)(4), (5). Pub. L. 101–508, §11502(b)(1), (2), added par. (4) and redesignated former par. (4) as (5).

Subsec. (d)(3)(C), (D). Pub. L. 101–508, §11502(d)(1), (2), added subpar. (C), redesignated former subpar. (C) as (D), and substituted "subparagraph (A), (B), or (C)" for "subparagraph (A) or (B)".

Subsec. (e). Pub. L. 101–508, §11502(f), amended subsec. (e) generally, substituting present provisions for provisions prohibiting the applicability of this section to any sale or use after Dec. 31, 1992, and prohibiting carryovers to any taxable year beginning after Dec. 31, 1994.

Subsec. (g). Pub. L. 101–508, §11502(c), added subsec. (g).

Subsec. (h). Pub. L. 101–508, §11502(e)(1), added subsec. (h).

§40A. Biodiesel and renewable diesel used as fuel

AMENDMENTS

2005—Pub. L. 109–58, §1346(b)(1), inserted "and renewable diesel" after "Biodiesel" in section catchline.

Subsec. (a). Pub. L. 109–58, §1345(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: "For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) the biodiesel mixture credit, plus

"(2) the biodiesel credit."

Subsec. (b). Pub. L. 109–58, §1345(d)(2), substituted ", biodiesel credit, and small agri-biodiesel producer credit" for "and biodiesel credit" in heading.

Subsec. (b)(4). Pub. L. 109–58, §1345(d)(1), substituted "paragraph (1) or (2) of subsection (a)" for "this section".

Subsec. (b)(5). Pub. L. 109–58, §1345(b), added par. (5).

Subsec. (b)(5)(B). Pub. L. 109–135 struck out "(determined without regard to the last sentence of subsection (d)(2))" after "any agri-biodiesel" in introductory provisions.

Subsec. (d)(3)(C), (D). Pub. L. 109–58, §1345(d)(3), added subpar. (C) and redesignated former subpar. (C) as (D). The words following "subsection (b)(5)(B)," in subpar. (C) are shown as a flush provision notwithstanding directory language showing them as part of cl. (ii), **to reflect the probable intent of Congress.**

Subsec. (e). Pub. L. 109–58, §1345(c), added subsec. (e). The words following "subparagraph (A) for the taxable year," in subsec. (e)(6)(B)(iii) are shown as a flush provision notwithstanding directory language showing them as part of subcl. (II), **to reflect the probable intent of Congress.** Former subsec. (e) redesignated (f).

Pub. L. 109–58, §1344(a), substituted "2008" for "2006".

Subsec. (f). Pub. L. 109–58, §1346(a), added subsec. (f). Former subsec. (f) redesignated (g).

Pub. L. 109–58, §1345(c), redesignated subsec. (e) as (f).

Subsec. (g). Pub. L. 109–58, §1346(a), redesignated subsec. (f) as (g).

§42. Low-income housing credit

AMENDMENTS

1990—Subsec. (b)(1). Pub. L. 101–508, §11701(a)(1)(B), struck out at end "A building shall not be treated as described in subparagraph (B) if, at any time during the credit period, moderate rehabilitation assistance is provided with respect to such building under section 8(e)(2) of the United States Housing Act of 1937."

Subsec. (c)(2). Pub. L. 101–508, §11701(a)(1)(A), inserted at end "Such term does not include any building with respect to which moderate rehabilitation assistance is provided, at any time during the compliance period, under section 8(e)(2) of the United States Housing Act of 1937."

Pub. L. 101–508, §11407(b)(5)(A), inserted before period at end of last sentence "(other than assistance under the Stewart B. McKinney Homeless Assistance Act of 1988 (as in effect on the date of the enactment of this sentence))".

Subsec. (d)(2)(D)(i)(I). Pub. L. 101–508, §11812(b)(3), inserted "(as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)" after "section 167(k)."

Subsec. (d)(2)(D)(ii)(V). Pub. L. 101–508, §11407(b)(8), added subcl. (V).

Subsec. (d)(5)(B). Pub. L. 101–508, §11812(b)(3), which directed the insertion of "(as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)" after "section 167(k)", was executed to the text, and not the heading, of subpar. (B). See 1996 Amendment note above.

Subsec. (d)(5)(C)(ii)(I). Pub. L. 101-508, §11407(b)(4), inserted at end "If the Secretary of Housing and Urban Development determines that sufficient data for any period are not available to apply this clause on the basis of census tracts, such Secretary shall apply this clause for such period on the basis of enumeration districts."

Pub. L. 101-508, §11701(a)(2)(B), inserted before period at end "for such year".

Pub. L. 101-508, §11701(a)(2)(A), which directed the insertion of "which is designated by the Secretary of Housing and Urban Development and, for the most recent year for which census data are available on household income in such tract," after "census tract", was executed by making the insertion after "any census tract" **to reflect the probable intent of Congress.**

Subsec. (g)(2)(B)(iv). Pub. L. 101-508, §11407(b)(3), added cl. (iv).

Subsec. (g)(2)(D)(i). Pub. L. 101-508, §11701(a)(3)(A), inserted before period at end "and such unit continues to be rent-restricted".

Subsec. (g)(2)(D)(ii). Pub. L. 101-508, §11701(a)(4), inserted at end "In the case of a project described in section 142(d)(4)(B), the preceding sentence shall be applied by substituting '170 percent' for '140 percent' and by substituting 'any low-income unit in the building is occupied by a new resident whose income exceeds 40 percent of area median gross income' for 'any residential unit in the building (of a size comparable to, or smaller than, such unit) is occupied by a new resident whose income exceeds such income limitation'."

Subsec. (g)(3)(A). Pub. L. 101-508, §11701(a)(5)(A), substituted "the 1st year of the credit period for such building" for "the 12-month period beginning on the date the building is placed in service".

Subsec. (h)(3)(C). Pub. L. 101-508, §11701(a)(6)(A), substituted "the sum of the amounts described in clauses (i) and (iii)" for "the amount described in clause (i)" in second sentence.

Subsec. (h)(3)(D)(ii)(II). Pub. L. 101-508, §11701(a)(6)(B), substituted "the sum of the amounts described in clauses (i) and (iii)" for "the amount described in clause (i)".

Subsec. (h)(5)(B). Pub. L. 101-508, §11407(b)(9)(A), inserted "own an interest in the project (directly or through a partnership) and" after "nonprofit organization is to".

Subsec. (h)(5)(C)(i) to (iii). Pub. L. 101-508, §11407(b)(9)(B), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (h)(5)(D)(i). Pub. L. 101-508, §11407(b)(9)(C), inserted "ownership and" before "material participation".

Subsec. (h)(6)(B)(i). Pub. L. 101-508, §11701(a)(7)(A), inserted before comma at end "and which prohibits the actions described in subclauses (I) and (II) of subparagraph (E)(ii)".

Subsec. (h)(6)(B)(ii). Pub. L. 101-508, §11701(a)(7)(B), substituted "requirement and prohibitions" for "requirement".

Subsec. (h)(6)(B)(iii) to (v). Pub. L. 101-508, §11701(a)(8)(A), added cl. (iii) and redesignated former cls. (iii) and (iv) as (iv) and (v), respectively.

Subsec. (h)(6)(E)(i)(I). Pub. L. 101-508, §11701(a)(9), inserted before comma "unless the Secretary determines that such acquisition is part of an arrangement with the taxpayer a purpose of which is to terminate such period".

Subsec. (h)(6)(E)(ii)(II). Pub. L. 101-508, §11701(a)(8)(C), inserted before period at end "not otherwise permitted under this section".

Subsec. (h)(6)(F). Pub. L. 101-508, §11701(a)(8)(D), inserted "the nonlow-income portion of the building for fair market value and" before "the low-income portion" in introductory provisions.

Subsec. (h)(6)(J) to (L). Pub. L. 101-508, §11701(a)(8)(B), redesignated subpars. (K) and (L) as (J) and (K), respectively, and struck out former subpar. (J) which related to sales of less than the low-income portions of a building.

Subsec. (i)(3)(D). Pub. L. 101-508, §11407(b)(6), substituted "Certain students" for "Students in government-supported job training programs" in heading and amended text generally. Prior to amendment, text read as follows: "A unit shall not fail to be treated as a low-income unit merely because it is occupied by an individual who is enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar Federal, State, or local laws."

Subsec. (i)(7). Pub. L. 101-508, §11701(a)(10), redesignated par. (8) as (7).

Subsec. (i)(7)(A). Pub. L. 101-508, §11407(b)(1), substituted "the tenants (in cooperative form or otherwise) or resident management corporation of such building or by a qualified nonprofit organization (as defined in subsection (h)(5)(C)) or government agency" for "the tenants of such building".

Subsec. (i)(8). Pub. L. 101-508, §11701(a)(10), redesignated par. (8) as (7).

Subsec. (k)(1). Pub. L. 101-508, §11813(b)(3)(A), substituted "49(a)(1)" for "46(c)(8)", "49(a)(2)" for "46(c)(9)", and "49(b)(1)" for "47(d)(1)".

Subsec. (k)(2)(A)(ii), (D). Pub. L. 101-508, §11813(b)(3)(B), substituted "49(a)(1)(D)(iv)(II)" for "46(c)(8)(D)(iv)(II)".

Subsec. (m)(1)(B)(ii) to (iv). Pub. L. 101–508, §11407(b)(7)(B), redesignated cls. (iii) and (iv) as (ii) and (iii), respectively, and struck out former cl. (ii) which read as follows: "which gives the highest priority to those projects as to which the highest percentage of the housing credit dollar amount is to be used for project costs other than the cost of intermediaries unless granting such priority would impede the development of projects in hard-to-develop areas,".

Pub. L. 101–508, §11407(b)(2), amended cl. (iv) generally. Prior to amendment, cl. (iv) read as follows: "which provides a procedure that the agency will follow in notifying the Internal Revenue Service of noncompliance with the provisions of this section which such agency becomes aware of."

Subsec. (m)(2)(B). Pub. L. 101–508, §11407(b)(7)(A), added cl. (iii) and inserted provision that cl. (iii) not be applied so as to impede the development of projects in hard-to-develop areas.

Subsec. (o)(1). Pub. L. 101–508, §11407(a)(1)(A), substituted "1991" for "1990" wherever appearing.

Subsec. (o)(2). Pub. L. 101–508, §11407(a)(1)(B), added par. (2) and struck out former par. (2) which read as follows: "For purposes of paragraph (1)(B), a building shall be treated as placed in service before 1990 if—

"(A) the bonds with respect to such building are issued before 1990,

"(B) such building is constructed, reconstructed, or rehabilitated by the taxpayer,

"(C) more than 10 percent of the reasonably anticipated cost of such construction, reconstruction, or rehabilitation has been incurred as of January 1, 1990, and some of such cost is incurred on or after such date, and

"(D) such building is placed in service before January 1, 1992."

§45. Electricity produced from certain renewable resources, etc.

AMENDMENTS

2008—Subsec. (b)(2). Pub. L. 110–343, §108(b)(2), inserted "the \$3 amount in subsection (e)(8)(D)(ii)(I)," after "subsection (e)(8)(A)."

Subsec. (b)(4)(A). Pub. L. 110–343, §102(d), substituted "(9), or (11)" for "or (9)".

Subsec. (c)(1)(I). Pub. L. 110–343, §102(a), added subpar. (I).

Subsec. (c)(7)(A). Pub. L. 110–343, §108(a)(1), reenacted heading without change and amended text generally. Prior to amendment, subpar. (A) defined "refined coal".

Subsec. (c)(7)(A)(i). Pub. L. 110–343, §101(b)(1), amended subsec. (c)(7)(A)(i) as amended by Pub. L. 110–348, §108(a)(1), by inserting "and" at end of subcl. (II), substituting period for ", and" at end of subcl. (III), and striking out subcl. (IV) which read as follows: "is produced in such a manner as to result in an increase of at least 50 percent in the market value of the refined coal (excluding any increase caused by materials combined or added during the production process), as compared to the value of the feedstock coal, or".

Subsec. (c)(7)(B). Pub. L. 110–343, §101(b)(2), inserted "at least 40 percent of the emissions of" after "nitrogen oxide and".

Subsec. (c)(7)(C). Pub. L. 110–343, §108(a)(2), added subpar. (C).

Subsec. (c)(8)(C). Pub. L. 110–343, §101(e), reenacted heading without change and amended text generally. Prior to amendment, subpar. (C) described a nonhydroelectric dam facility for purposes of subpar. (A).

Subsec. (c)(10). Pub. L. 110–343, §102(b), added par. (10).

Subsec. (d)(1). Pub. L. 110–343, §106(c)(3)(B), inserted at end "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section."

Pub. L. 110–343, §101(a)(1), substituted "January 1, 2010" for "January 1, 2009".

Subsec. (d)(2)(A). Pub. L. 110–343, §101(a)(2)(A), substituted "January 1, 2011" for "January 1, 2009" in cls. (i) and (ii).

Subsec. (d)(2)(B), (C). Pub. L. 110–343, §101(d)(2), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (d)(3)(A). Pub. L. 110–343, §101(a)(2)(B), substituted "January 1, 2011" for "January 1, 2009" in cls. (i)(I) and (ii).

Subsec. (d)(3)(B), (C). Pub. L. 110–343, §101(d)(1), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (d)(4). Pub. L. 110–343, §101(a)(2)(C), substituted "January 1, 2011" for "January 1, 2009".

Subsec. (d)(5). Pub. L. 110–343, §102(e), which directed amendment of par. (5) by substituting "the date of the enactment of paragraph (11)" for "January 1, 2012", was executed by making the substitution for "January 1, 2011" **to reflect the probable intent of Congress**. See below.

Pub. L. 110–343, §101(a)(2)(D), substituted "January 1, 2011" for "January 1, 2009".
 Subsec. (d)(6). Pub. L. 110–343, §101(a)(2)(E), substituted "January 1, 2011" for "January 1, 2009".
 Subsec. (d)(7). Pub. L. 110–343, §101(c), struck out "combustion" before "facilities" in heading and substituted "facility (other than a facility described in paragraph (6)) which uses" for "facility which burns".
 Pub. L. 110–343, §101(a)(2)(F), substituted "January 1, 2011" for "January 1, 2009".
 Subsec. (d)(8). Pub. L. 110–343, §108(c), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "In the case of a facility that produces refined coal, the term 'refined coal production facility' means a facility which is placed in service after the date of the enactment of this paragraph and before January 1, 2010."
 Pub. L. 110–343, §101(a)(1), substituted "January 1, 2010" for "January 1, 2009".
 Subsec. (d)(9)(A), (B). Pub. L. 110–343, §101(a)(2)(G), substituted "January 1, 2011" for "January 1, 2009".
 Subsec. (d)(11). Pub. L. 110–343, §102(c), added par. (11).
 Subsec. (e)(8)(D). Pub. L. 110–343, §108(b)(1), added subpar. (D).
 Subsec. (e)(9)(B). Pub. L. 110–343, §108(d)(1), designated existing provisions as cl. (i), inserted heading, and added cl. (ii).

SUBPART E—RULES FOR COMPUTING INVESTMENT CREDIT

- Sec.
 46. Amount of credit.
 47. Rehabilitation credit.
 48. Energy credit.
 48A. Qualifying advanced coal project credit.
 48B. Qualifying gasification project credit.
 48C. Qualifying advanced energy project credit.
 48D. Qualifying therapeutic discovery project credit.
 49. At-risk rules.
 50. Other special rules.
 [50A, 50B. Repealed.]

AMENDMENTS

2010—Pub. L. 111–148, title IX, §9023(d), Mar. 23, 2010, 124 Stat. 881, added item 48D.
2009—Pub. L. 111–5, div. B, title I, §1302(c)(2), Feb. 17, 2009, 123 Stat. 348, added item 48C.
2005—Pub. L. 109–58, title XIII, §1307(c)(2), Aug. 8, 2005, 119 Stat. 1006, added items 48A and 48B.
2004—Pub. L. 108–357, title III, §322(d)(2)(C), Oct. 22, 2004, 118 Stat. 1475, which directed amendment of item 48 by striking out ", reforestation credit", was executed by striking out "; reforestation credit" after "Energy credit" **to reflect the probable intent of Congress.**

§48. Energy credit

AMENDMENTS

2015—Subsec. (a)(2)(A). Pub. L. 114–113, §303(c), substituted "Except as provided in paragraph (6), the energy percentage" for "The energy percentage" in introductory provisions.
 Subsec. (a)(2)(A)(i)(II). Pub. L. 114–113, §303(a), substituted "property the construction of which begins before January 1, 2022" for "periods ending before January 1, 2017".
 Subsec. (a)(5)(C)(ii). Pub. L. 114–113, §187(b), substituted "January 1, 2017" for "January 1, 2015".
 Pub. L. 114–113, §302(a), which directed the amendment of section 48(a)(5)(C)(ii) by inserting "(January 1, 2020, in the case of any facility which is described in paragraph (1) of section 45(d))" before ", and", without specifying the act to be amended, was executed by making the amendment to this section, which is section 48 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**
 Subsec. (a)(5)(E). Pub. L. 114–113, §302(b), which directed the amendment of section section 48(a)(5) by adding subpar. (E), without specifying the act to be amended, was executed by making the amendment to this section, which is section 48 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**
 Subsec. (a)(6). Pub. L. 114–113, §303(b), added par. (6).

1986—Subsec. (a)(2)(B)(vii). Pub. L. 99–514, §§1272(d)(5), 1275(c)(5), struck out "932," after "931," and "or which is entitled to the benefits of section 934(b)" after "in effect under section 936", and substituted "or 933" for ", 933, or 934(c)".

Subsec. (a)(4). Pub. L. 99–514, §1802(a)(9)(A), substituted "514(b)" for "514(c)" and "514(a)" for "514(b)".

Subsec. (a)(5)(B)(iii). Pub. L. 99–514, §1802(a)(5)(B), struck out cl. (iii) which provided that (I) in the case of any aircraft used under a qualifying lease (as defined in section 47(a)(7)(C)) and which is leased to a foreign person or entity before January 1, 1990, clause (i) shall be applied by substituting "3 years" for "6 months" and that (II) for purposes of applying section 47(a)(1) and (5)(B) there shall not be taken into account any period of a lease to which subclause (I) applies.

Subsec. (a)(5)(D), (E). Pub. L. 99–514, §1802(a)(4)(C), added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (b)(1). Pub. L. 99–514, §1809(e)(1), inserted "Such term includes any section 38 property the reconstruction of which is completed by the taxpayer, but only with respect to that portion of the basis which is properly attributable to such reconstruction."

Subsec. (b)(2). Pub. L. 99–514, §1809(e)(2), in introductory provisions substituted "the first sentence of paragraph (1)" for "paragraph (1)", in subpar. (B) substituted "3 months after" for "3 months of", in closing provisions substituted "used under the leaseback (or lease) referred to in subparagraph (B)" for "used under the lease" and inserted "The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary."

Subsec. (d)(4)(D). Pub. L. 99–514, §701(e)(4)(C), inserted "(as in effect on the day before the date of the enactment of the Tax Reform Act of 1986)".

Subsec. (d)(6)(C)(ii). Pub. L. 99–514, §1511(c)(3), substituted "the underpayment rate" for "the rate" in closing provisions.

Subsec. (g)(1). Pub. L. 99–514, §251(b), amended par. (1) generally, restating in subpars. (A) to (D) provisions relating to qualified rehabilitated buildings which had in subpar. (A) provided general definition of qualified rehabilitated building, in subpar. (B) directed that 30 years must have elapsed since construction, in subpar. (C) provided general definition of substantially rehabilitated with special rule for phased rehabilitation and application of provision to lessees, and in subpar. (D) provided that rehabilitation included reconstruction, and striking out former subpar. (E) which had provided an alternative test for definition of qualified rehabilitated building.

Subsec. (g)(2). Pub. L. 99–514, §251(b), amended par. (2) generally, in subpar. (A) striking out reference to amounts "incurred after December 31, 1981" in introductory provision, and in cl. (i) substituting subcls. (I) to (IV) for "for real property (or additions or improvements to real property) which have a recovery period (within the meaning of section 168) of 19 (15 years in the case of low-income housing) years," in subpar. (B), in cl. (i), substituting provision relating to use of straight line depreciation for provision relating to use of accelerated methods of depreciation, redesignating former cl. (vi) as (v) and substituting "section 168(h)" for "section 168(j)", redesignating former cl. (v) as (vi) and substituting "less than the recovery period determined under section 168(c)" for "less than 19 years (15 years in the case of low-income housing)", restating subpar. (C) without change, and in subpar. (D) substituting provisions defining nonresidential real property, residential rental property and class life for provisions defining low-income housing.

Subsec. (g)(2)(B)(vi)(I). Pub. L. 99–514, §1802(a)(9)(B), substituted "section 168(j)" for "section 168(j)(3)".

Subsec. (g)(3). Pub. L. 99–514, §251(b), in amending par. (3) generally, inserted introductory phrase "For purposes of this subsection—".

Subsec. (g)(4). Pub. L. 99–514, §251(b), in amending subsec. (g) generally, reenacted par. (4) without change.

Subsec. (l)(5). Pub. L. 99–514, §1847(b)(6), substituted "section 23(c)" for "section 44C(c)" and "section 23(c)(4)(A)(viii)" for "section 44C(c)(4)(A)(viii)".

Subsec. (q)(3). Pub. L. 99–514, §251(c), struck out "other than a certified historic structure" after "qualified rehabilitated building".

Subsec. (q)(7). Pub. L. 99–514, §1809(d)(2), renumbered par. (6), relating to special rule for qualified films, as (7).

Subsec. (r). Pub. L. 99–514, §1879(j)(1), added subsec. (r). Former subsec. (r) redesignated (s).

Subsec. (s). Pub. L. 99–514, §1879(j)(1), redesignated former subsec. (r) as (s).

Subsec. (s)(5). Pub. L. 99–514, §803(b)(2)(B), which directed the general amendment of par. (5) of subsec. (r), was executed by amending par. (5) of subsec. (s) **to reflect the probable intent of Congress** and the intervening redesignation of subsec. (r) as (s) by Pub. L. 99–514, §1879(j)(1), see note above. Prior to amendment, par. (5) read as follows: "For purposes of this subsection, the term "sound recording" means any sound recording described in section 280(c)(2)."

§53. Credit for prior year minimum tax liability

AMENDMENTS

1996—Subsec. (d)(1)(B)(iii). Pub. L. 104–188, §1205(d)(5)(A), which directed that cl. (iii) be amended by striking out "or not allowed under section 28 solely by reason of the application of section 28(d)(2)(B)," was executed by striking out "not allowed under section 28 solely by reason of the application of section 28(d)(2)(B)," after "29(b)(6)(B)," **to reflect the probable intent of Congress.**

Subsec. (d)(1)(B)(iv)(II). Pub. L. 104–188, §1704(j)(1), amended subcl. (II) generally. Prior to amendment, subcl. (II) read as follows: "the adjusted net minimum tax for any taxable year is the amount of the net minimum tax for such year increased by the amount of any credit not allowed under section 29 solely by reason of the application of section 29(b)(5)(B) or not allowed under section 28 solely by reason of the application of section 28(d)(2)(B)."

Pub. L. 104–188, §1205(d)(5)(B), which directed that subcl. (II) be amended by striking out "or not allowed under section 28 solely by reason of the application of section 28(d)(2)(B)", could not be executed because the phrase sought to be struck out did not appear in text subsequent to the general amendment of subcl. (II) by Pub. L. 104–188, §1704(j)(1), see above, which, pursuant to section 1701 of Pub. L. 104–188, set out as a note under section 1 of this title, is treated as having been enacted before section 1205(d)(5)(B) of Pub. L. 104–188.

§55. Alternative minimum tax imposed

AMENDMENTS

2005—Subsec. (c)(1). Pub. L. 109–58, §1302(b), which directed amendment of par. (1) by inserting "45(e)(11)(C)," after "section" in last sentence, was executed by making the insertion after "section" the first place it appeared in last sentence, **to reflect the probable intent of Congress.**

Subsec. (c)(2). Pub. L. 109–135, §403(h), substituted "regular tax liability" for "regular tax".

Pub. L. 109–58, §1342(b)(3), which directed amendment of par. (2) by inserting "30C(d)(2)," after "30B(g)(2)," was repealed by Pub. L. 109–135, §412(p)(3).

Pub. L. 109–58, §1341(b)(3), which directed amendment of par. (2) by inserting "30B(g)(2)," after "30(b)(2)," was repealed by Pub. L. 109–135, §412(p)(2).

Subsec. (c)(3). Pub. L. 109–135, §412(p)(1), inserted "30B(g)(2), 30C(d)(2)," after "30(b)(3)".

Pub. L. 109–58, §1322(a)(3)(H), struck out "29(b)(6)," after "26(a)".

§63. Taxable income defined

AMENDMENTS

2002—Subsec. (c)(2). Pub. L. 107–147, §411(e)(1)(E), inserted "If any amount determined under subparagraph (A) is not a multiple of \$50, such amount shall be rounded to the next lowest multiple of \$50." at end.

Subsec. (c)(2)(A). Pub. L. 107–147, §411(e)(1)(A), substituted "subparagraph (D)" for "subparagraph (C)".

Subsec. (c)(2)(B). Pub. L. 107–147, §411(e)(1)(B), struck out "or" at end.

Subsec. (c)(2)(C), (D). Pub. L. 107–147, §411(e)(1)(C), (D), added subpar. (C) and redesignated former subpar. (C) as (D).

Subsec. (c)(4). Pub. L. 107–147, §411(e)(2)(C), which directed amendment by striking out the flush sentence at the end added by section 301(c)(2) of Public Law 107–17, was executed by striking out "The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).", which was inserted by section 301(c)(2) of Pub. L. 107–16, **to reflect the probable intent of Congress.** See 2001 Amendment note below.

Pub. L. 107–147, §411(e)(2)(A), substituted "paragraph (2)(B), (2)(D), or (5)" for "paragraph (2) or (5)" in introductory provisions.

Subsec. (c)(4)(B)(i). Pub. L. 107–147, §411(e)(2)(B), substituted "paragraph (2)(B), (2)(D)," for "paragraph (2)".

§72. Annuities; certain proceeds of endowment and life insurance contracts

AMENDMENTS

2014—Subsec. (c)(4). Pub. L. 113–295, §221(a)(14)(A), struck out "; except that if such date was before January 1, 1954, then the annuity starting date is January 1, 1954" before period at end.

Subsec. (g)(3). Pub. L. 113–295, §221(a)(14)(B), struck out "January 1, 1954, or" before "the first day".

Pub. L. 113–295, §221(a)(14)(B), which directed striking out ", whichever is later", was executed by striking out ", whichever is the later" after "as an annuity" **to reflect the probable intent of Congress**.

2008—Subsec. (t)(2)(G)(iv). Pub. L. 110–245, which directed amendment by striking out ", and before December 31, 2007" after "September 11, 2001", was executed by striking out ", and on or before December 31, 2007" after "September 11, 2001", **to reflect the probable intent of Congress** and the intervening amendment by Pub. L. 110–458. See Amendment note and Effective Date of 2008 Amendment note below.

Pub. L. 110–458 inserted "on or" before "before" in first sentence.

1986—Subsec. (b). Pub. L. 99–514, §1122(c)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Gross income does not include that part of any amount received as an annuity under an annuity, endowment, or life insurance contract which bears the same ratio to such amount as the investment in the contract (as of the annuity starting date) bears to the expected return under the contract (as of such date). This subsection shall not apply to any amount to which subsection (d)(1) (relating to certain employee annuities) applies."

Subsec. (d). Pub. L. 99–514, §1122(c)(1), struck out subsec. (d) which related to employee's annuities where the employee's contributions were recoverable in 3 years.

Subsec. (e)(4)(C). Pub. L. 99–514, §1826(b)(3), added subpar. (C).

Subsec. (e)(5)(D). Pub. L. 99–514, §1122(c)(3)(B), substituted "paragraphs (7) and (8)" for "paragraph (7)" in introductory provisions.

Pub. L. 99–514, §1854(b)(1), inserted closing provisions which read as follows: "Any dividend described in section 404(k) which is received by a participant or beneficiary shall, for purposes of this subparagraph, be treated as paid under a separate contract to which clause (ii)(I) applies."

Subsec. (e)(7)(B). Pub. L. 99–514, §1852(c)(1), in introductory provisions substituted "any plan or contract" for "any trust or contract", in cl. (ii) substituted "85 percent or more of" for "85 percent of", and inserted closing provision: "For purposes of clause (ii), deductible employee contributions (as defined in subsection (o)(5)(A)) shall not be taken into account."

Subsec. (e)(8), (9). Pub. L. 99–514, §1122(c)(3)(A), added pars. (8) and (9).

Subsec. (f). Pub. L. 99–514, §1852(c)(3), in introductory provisions, substituted "subsections (d)(1) and (e)(7)" for "subsection (d)(1)" and "subsection (e)(6)" for "subsection (e)(1)(B)".

Subsec. (m)(2)(B). Pub. L. 99–514, §1852(c)(4)(A), inserted "and subsection (e)(7) (relating to plans where substantially all contributions are employee contributions)".

Subsec. (m)(2)(C). Pub. L. 99–514, §1852(c)(4)(B), substituted "subsection (e)(6)" for "subsection (e)(1)(B)".

Subsec. (m)(5). Pub. L. 99–514, §1852(a)(2)(C), which directed that par. (5) be amended by substituting "5-percent owners" for "owner-employees" in heading, was executed by substituting "5-percent owners" for "key employees", **to reflect the probable intent of Congress** and intervening amendment by section 713(c)(1)(B) of Pub. L. 98–369.

Subsec. (m)(5)(A). Pub. L. 99–514, §1123(d)(1), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "This subparagraph shall apply—

"(i) to amounts which—

"(I) are received from a qualified trust described in section 401(a) or under a plan described in section 403(a), and

"(II) are received by a 5-percent owner before such owner attains the age of 59½ years, for any reason other than such owner becoming disabled (within the meaning of paragraph (7) of this section), and

"(ii) to amounts which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) at any time by a 5-percent owner, or by the successor of such owner, but only to the extent that such amounts are determined (under regulations prescribed by the Secretary) to exceed the benefits provided for such individual under the plan formula.

Clause (i) shall not apply to any amount received by an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract which is in the nature of a dividend or similar distribution and clause (i) shall not apply to amounts attributable to benefits accrued before January 1, 1985."

Pub. L. 99-514, §1852(a)(2)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "This paragraph shall apply—

"(i) to amounts (other than any amount received by an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract which is in the nature of a dividend or similar distribution) which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) and which are received by an individual, who is, or has been, a 5-percent owner, before such individual attains the age of 59½ years, for any reason other than the individual's becoming disabled (within the meaning of paragraph (7) of this subsection), but only to the extent that such amounts are attributable to contributions paid on behalf of such individual (other than contributions made by him as a 5-percent owner) while he was a 5-percent owner, and

"(ii) to amounts which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) at any time by an individual who is, or has been, a 5-percent owner or by the successor of such individual, but only to the extent that such amounts are determined, under regulations prescribed by the Secretary, to exceed the benefits provided for such individual under the plan formula."

Subsec. (m)(5)(C). Pub. L. 99-514, §1852(a)(2)(B), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "For purposes of this paragraph, the term '5 percent owner' have the same meanings as when used in section 416."

Subsec. (m)(10). Pub. L. 99-514, §1898(c)(1)(B), inserted "who is the spouse or former spouse of the participant".

Subsec. (o)(5). Pub. L. 99-514, §1101(b)(2)(C), inserted "and made for a taxable year beginning before January 1, 1987," in subpar. (A), substituted "subsection (p)(3)(A)(i)" for "section 219(e)(3)" in subpar. (C), and substituted "subsection (p)(3)(B)" for "section 219(e)(4)" in subpar. (D).

Subsec. (p)(2)(A)(i). Pub. L. 99-514, §1134(a), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: "\$50,000, or".

Subsec. (p)(2)(B)(ii). Pub. L. 99-514, §1134(d), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "Clause (i) shall not apply to any loan used to acquire, construct, reconstruct, or substantially rehabilitate any dwelling unit which within a reasonable time is to be used (determined at the time the loan is made) as a principal residence of the participant or a member of the family (within the meaning of section 267(c)(4)) of the participant."

Subsec. (p)(2)(C), (D). Pub. L. 99-514, §1134(b), added subpar. (C) and redesignated former subpar. (C) as (D).

Subsec. (o)(5). Pub. L. 99-514, §1101(b)(2)(C), inserted "and made for a taxable year beginning before January 1, 1987," in subpar. (A), substituted "subsection (p)(3)(A)(i)" for "section 219(e)(3)" in subpar. (C), and substituted "subsection (p)(3)(B)" for "section 219(e)(4)" in subpar. (D).

Subsec. (p)(2)(A)(i). Pub. L. 99-514, §1134(a), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: "\$50,000, or".

Subsec. (p)(2)(B)(ii). Pub. L. 99-514, §1134(d), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "Clause (i) shall not apply to any loan used to acquire, construct, reconstruct, or substantially rehabilitate any dwelling unit which within a reasonable time is to be used (determined at the time the loan is made) as a principal residence of the participant or a member of the family (within the meaning of section 267(c)(4)) of the participant."

Subsec. (p)(2)(C), (D). Pub. L. 99-514, §1134(b), added subpar. (C) and redesignated former subpar. (C) as (D).

Subsec. (p)(3). Pub. L. 99-514, §1134(c), added par. (3) and redesignated former par. (3) as (4).

Pub. L. 99-514, §1101(b)(2)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "For purposes of this subsection, the term 'qualified employer plan' means any plan which was (or was determined to be) a qualified employer plan (as defined in section 219(e)(3) other than a plan described in subsection (e)(7)). For purposes of this subsection, such term includes any government plan (as defined in section 219(e)(4))."

Subsec. (p)(4), (5). Pub. L. 99-514, §1134(c), redesignated former pars. (3) and (4) as (4) and 5, respectively.

Subsec. (q). Pub. L. 99-514, §1123(b)(1)(B), substituted "10-percent" for "5-percent" in heading.

Subsec. (q)(1). Pub. L. 99-514, §1123(b)(1)(A), substituted "10 percent" for "5 percent".

Subsec. (q)(2). Pub. L. 99-514, §1123(b)(3), substituted "Paragraph (1)" for "This subsection" in

introductory provisions.

Subsec. (q)(2)(B). Pub. L. 99-514, §1826(c), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "made to a beneficiary (or to the estate of an annuitant) on or after the death of an annuitant,".

Subsec. (q)(2)(D). Pub. L. 99-514, §1123(b)(2), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: "which is one of a series of substantially equal periodic payments made for the life of a taxpayer or over a period extending for at least 60 months after the annuity starting date,".

Subsec. (q)(2)(E). Pub. L. 99-514, §1852(c)(2), inserted "(determined without regard to subsection (e)(7))".

Subsec. (q)(2)(G). Pub. L. 99-514, §1826(d), added subpar. (G).

Subsec. (q)(2)(I), (J). Pub. L. 99-514, §1123(b)(4), which added subpars. (I) and (J) directed the amendment of subpar. (G) by striking out "or" at the end thereof, and of subpar. (H) by striking out the period at the end thereof, could not be executed to subpars. (G) and (H) because subpar. (G) does not contain "or", and no subpar. (H) was enacted.

Subsec. (q)(3). Pub. L. 99-514, §1123(b)(3), added par. (3).

Subsec. (s)(1). Pub. L. 99-514, §1826(b)(2), substituted "any holder of such contract" for "the holder of such contract" in subpars. (A) and (B).

Subsec. (s)(5). Pub. L. 99-514, §1826(a), added par. (5).

Subsec. (s)(6), (7). Pub. L. 99-514, §1826(b)(1), added pars. (6) and (7).

Subsec. (t). Pub. L. 99-514, §1123(a), added subsec. (t) and redesignated former subsec. (t) as (u).

Subsecs. (u), (v). Pub. L. 99-514, §1135(a), added subsec. (u) and redesignated former subsec. (u) as (v).

1984—Subsec. (e)(5)(D). Pub. L. 98-369, §523(b)(1), substituted "Except as provided in paragraph (7), this" for "This".

Subsec. (e)(5)(D)(ii)(IV). Pub. L. 98-369, §211(b)(1), which directed substitution of "section 818(a)(3)" for "805(d)(3)" in subpar. (D)(i)(IV), was executed to subpar. (D)(ii)(IV) **to reflect the probable intent of Congress.**

Subsec. (e)(7). Pub. L. 98-369, §523(a), added par. (7).

Subsec. (k). Pub. L. 98-369, §421(b)(1), repealed subsec. (k) relating to payments in discharge of alimony.

Subsec. (m)(5). Pub. L. 98-369, §713(c)(1)(B), substituted "key employees" for "owner-employees" in heading.

Subsec. (m)(5)(A). Pub. L. 98-369, §521(d)(1), (2), substituted "5-percent owner" for "key employee" wherever appearing and struck out "in a top-heavy plan" at end of cl. (i).

Pub. L. 98-369, §713(c)(1)(A), substituted "as a key employee" for "as an owner-employee" in cl. (i).

Subsec. (m)(5)(C). Pub. L. 98-369, §521(d)(3), substituted "the term '5 percent owner' " for "the terms 'key employee' and 'top-heavy plan' ".

Subsec. (m)(9). Pub. L. 98-369, §713(d)(1), repealed par. (9) relating to return of excess contributions before due date of return.

Subsec. (m)(10). Pub. L. 98-397 added par. (10).

Subsec. (o)(1). Pub. L. 98-369, §491(d)(3), substituted "402 and 403" for "402, 403, and 405".

Subsec. (o)(3)(A). Pub. L. 98-369, §713(b)(1)(A), inserted "(other than the exception contained in paragraph (2) thereof)".

Subsec. (o)(4). Pub. L. 98-369, §491(d)(4), substituted "and 408(d)(3)" for "408(d)(3), and 409(b)(3)(C)".

Subsec. (p)(2)(A). Pub. L. 98-369, §713(b)(1)(B), inserted at end "For purposes of clause (ii), the present value of the nonforfeitable accrued benefit shall be determined without regard to any accumulated deductible employee contributions (as defined in subsection (o)(5)(B))."

Subsec. (p)(2)(A)(ii). Pub. L. 98-369, §713(b)(4), substituted as cl. (ii) "the greater of (I) one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan, or (II) \$10,000" for "½ of the present value of the nonforfeitable accrued benefit of the employee under the plan (but not less than \$10,000)".

Subsec. (p)(3). Pub. L. 98-369, §523(b)(2), inserted "other than a plan described in subsection (e)(7)".

Subsec. (q)(1). Pub. L. 98-369, §222(a), amended par. (1) generally, striking out designation "(A) In general.—" preceding text, substituting "which is includible in gross income" for "includible in gross income which is properly allocable to any investment in the annuity contract made during the 10-year period ending on the date such amount was received by the taxpayer", and striking out former subpar. (B), which had provided that for purposes of subpar. (A), the amount includible in gross income would be allocated to the earliest investment in the contract with respect to which amounts had not been previously fully allocated under this par.

Subsecs. (s), (t). Pub. L. 98-369, §222(b), added subsec. (s) and redesignated former subsec. (s) as (t).

§74. Prizes and awards

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-514, §123(b)(1), which directed that subsec. (a) be amended by substituting "(relating to qualified scholarships)" for "(relating to scholarship and fellowship grants)", was executed by making the substitution for "(relating to scholarships and fellowship grants)" **to reflect the probable intent of Congress.**

Pub. L. 99-514, §122(a)(1)(A), substituted "Except as otherwise provided in this section or" for "Except as provided in subsection (b) and".

Subsec. (b). Pub. L. 99-514, §122(a)(1)(B), (C), inserted "for certain prizes and awards transferred to charities" in heading and added par. (3).

Subsec. (c). Pub. L. 99-514, §122(a)(1)(D), added subsec. (c).

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PART III—ITEMS SPECIFICALLY EXCLUDED FROM GROSS INCOME

Sec.

- 101. Certain death payments.¹
- 102. Gifts and inheritances.
- 103. Interest on State and local bonds.
- [103A. Repealed.]
- 104. Compensation for injuries or sickness.
- 105. Amounts received under accident and health plans.
- 106. Contributions by employer to accident and health plans.
- 107. Rental value of parsonages.
- 108. Income from discharge of indebtedness.
- 109. Improvements by lessee on lessor's property.
- 110. Qualified lessee construction allowances for short-term leases.
- 111. Recovery of tax benefit items.
- 112. Certain combat zone compensation of members of the Armed Forces.
- [113, 114. Repealed.]
- 115. Income of States, municipalities, etc.
- [116. Repealed.]
- 117. Qualified scholarships.

- 118. Contributions to the capital of a corporation.
- 119. Meals or lodging furnished for convenience of employer.¹
- [120. Repealed.]
- 121. Exclusion of gain from sale of principal residence.
- 122. Certain reduced uniformed services retirement pay.
- 123. Amounts received under insurance contracts for certain living expenses.
- [124. Repealed.]
- 125. Cafeteria plans.
- 126. Certain cost-sharing payments.
- 127. Educational assistance programs.
- [128. Repealed.]
- 129. Dependent care assistance programs.²
- 130. Certain personal injury liability assignments.
- 131. Certain foster care payments.
- 132. Certain fringe benefits.
- [133. Repealed.]
- 134. Certain military benefits.
- 135. Income from United States savings bonds used to pay higher education tuition and fees.
- 136. Energy conservation subsidies provided by public utilities.
- 137. Adoption assistance programs.
- 138. Medicare Advantage MSA.
- 139. Disaster relief payments.
- 139A. Federal subsidies for prescription drug plans.
- 139B. Benefits provided to volunteer firefighters and emergency medical responders.
- 139C. COBRA premium assistance.
- 139D. Indian health care benefits.
- 139E. Indian general welfare benefits.
- 139F. Certain amounts received by wrongfully incarcerated individuals.
- 140. Cross references to other Acts.

AMENDMENTS

2015—Pub. L. 114–113, div. Q, title III, §304(b), Dec. 18, 2015, 129 Stat. 3088, added item 139F.

2014—Pub. L. 113–295, div. A, title II, §221(a)(19)(A), Dec. 19, 2014, 128 Stat. 4039, which directed amendment of part III by striking out item 120 in table of sections for "such subpart", was executed by striking out item 120 "Amounts received under qualified group legal services plans" in table of sections for this part **to reflect the probable intent of Congress**.

Pub. L. 113–168, §2(b), Sept. 26, 2014, 128 Stat. 1884, added item 139E.

§121. Exclusion of gain from sale of principal residence

CODIFICATION

Pub. L. 109–135, title IV, §403(ee)(1), (nn), Dec. 21, 2005, 119 Stat. 2631, 2632, which directed that subsec. (d) of this section be amended by redesignating the paragraph (10) relating to property acquired from a decedent as paragraph (11), effective as if included in the provisions to which such amendment relates of the American Jobs Creation Act of 2004, Pub. L. 108–357, was executed as the probable intent of Congress by redesignating as paragraph (11) the paragraph (10) directed to be added to subsec. (d) of this section by Pub. L. 107–16, §542(c), (f)(1), applicable to estates of decedents dying after Dec. 31, 2009. See Codification note, 2001, 2003, and 2005 Amendment notes, and Effective Date of 2005 Amendment note below.

Pub. L. 108–121, title I, §101(a), (b)(1), Nov. 11, 2003, 117 Stat. 1336, which directed that subsec. (d) of this section be amended by redesignating paragraph (9) as (10) and adding a new paragraph (9), effective as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997, Pub. L. 105–34, could not literally be executed insofar as it directed the redesignation because subsec. (d), as amended by Pub. L. 105–34, did not contain a paragraph (9). However, **to reflect the probable intent of Congress**, the amendment was executed by redesignating as paragraph (10) the paragraph (9) directed to be added to subsec. (d) of this section by Pub. L. 107–16, §542(c), (f)(1), applicable to estates of decedents dying after Dec. 31, 2009. See Codification note above and 2001, 2003, and 2005 Amendment notes and Effective Date of 2003 Amendment note below.

§125. Cafeteria plans

AMENDMENTS

2003—Subsec. (d)(2)(D). Pub. L. 108–173, which directed the amendment of section 125(d)(2) by adding subpar. (D), was executed to this section, which is section 125(d)(2) of the Internal Revenue Code of 1986, to reflect the probable intent of Congress.

§146. Volume cap

AMENDMENTS

1993—Subsec. (g). Pub. L. 103–66, which directed the amendment of par. (4) by adding at the end thereof the following flush sentence: "Paragraph (4) shall be applied without regard to '75 percent' if all of the property to be financed by the net proceeds of the issue is to be owned by a governmental unit (within the meaning of section 142(b)(1)).", was executed by inserting the sentence at the end of subsec. (g), to reflect the probable intent of Congress.

PART VI—ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS

Sec.	
161.	Allowance of deductions.
162.	Trade or business expenses.
163.	Interest.
164.	Taxes.
165.	Losses.
166.	Bad debts.
167.	Depreciation.
168.	Accelerated cost recovery system.
169.	Amortization of pollution control facilities.
170.	Charitable, etc., contributions and gifts.
171.	Amortizable bond premium.
172.	Net operating loss deduction.
173.	Circulation expenditures.
174.	Research and experimental expenditures.
175.	Soil and water conservation expenditures; endangered species recovery expenditures.
176.	Payments with respect to employees of certain foreign corporations.
[177.]	Repealed.]
178.	Amortization of cost of acquiring a lease.
179.	Election to expense certain depreciable business assets.
[179A.]	Repealed.]
179B.	Deduction for capital costs incurred in complying with Environmental Protection Agency sulfur regulations.
179C.	Election to expense certain refineries.
179D.	Energy efficient commercial buildings deduction.
179E.	Election to expense advanced mine safety equipment.
180.	Expenditures by farmers for fertilizer, etc.
181.	Treatment of certain qualified film and television and live theatrical productions.
[182.]	Repealed.]
183.	Activities not engaged in for profit.
[184, 185.]	Repealed.]
186.	Recoveries of damages for antitrust violations, etc.
[187 to 189.]	Repealed.]

- 190. Expenditures to remove architectural and transportation barriers to the handicapped and elderly.
- 191. Amortization of certain rehabilitation expenditures for certified historic structures.¹
- 192. Contributions to black lung benefit trust.
- 193. Tertiary injectants.
- 194. Treatment of reforestation expenditures.
- 194A. Contributions to employer liability trusts.
- 195. Start-up expenditures.
- 196. Deduction for certain unused business credits.
- 197. Amortization of goodwill and certain other intangibles.
- 198. Expensing of environmental remediation costs.
- [198A. Repealed.]
- 199. Income attributable to domestic production activities.

AMENDMENTS

2015—Pub. L. 114–113, div. Q, title I, §169(b)(3), Dec. 18, 2015, 129 Stat. 3068, substituted "Treatment of certain qualified film and television and live theatrical productions" for "Treatment of certain qualified film and television productions" in item 181.

2014—Pub. L. 113–295, div. A, title II, §221(a)(34)(A), (35), Dec. 19, 2014, 128 Stat. 4042, which directed amendment of table of sections for part VI of subchapter A of this chapter by striking items 179A and 198A, was executed by striking items 179A "Deduction for clean-fuel vehicles and certain refueling property" and 198A "Expensing of Qualified Disaster Expenses" in table of sections for part VI of this subchapter **to reflect the probable intent of Congress.**

§163. Interest

AMENDMENTS

1976—Subsec. (b)(1). Pub. L. 94–455, §1901(b)(8)(C), substituted "organization described in section 170(b)(1)(A)(ii) and which is provided for a student of such organization" for "institution (as defined in section 151(e)(4)) and which is provided for a student of such institution".

Subsec. (d)(1). Pub. L. 94–455, §209(a)(1), among other changes, substituted in subpar. (A) "\$10,000" for "\$25,000" and "\$5,000" for "\$12,500", struck out subpar. (C) relating to the excess of net long-term capital gain over short-term capital loss and subpar. (D) relating to the excess of investment interest over amounts in subpar. (A), and in provisions following lettered paragraphs substituted "\$10,000" for "\$25,000" and struck out provisions relating to the determination of the amount referred to in subpar. (C).

Subsec. (d)(2). Pub. L. 94–455, §209(a)(1), among other changes, struck out provisions relating to the limitation on the amount of interest allowable by this par. and to reduction of disallowed investment interest for capital gain deduction purposes.

Subsec. (d)(3)(A). Pub. L. 94–455, §209(a)(2), inserted provision relating to determination of the amount of net investment income where taxpayer has investment interest for taxable year to which this subsection applies.

Subsec. (d)(3)(B)(iii). Pub. L. 94–455, §§205(c)(3), 1901(b)(3)(K), substituted "1250, and 1254" for "and 1250", and "ordinary income" for "gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231". Section 205(c)(3) of Pub. L. 94–455, which directed the amendment of subsec. (d)(3)(A)(iii), was executed by amending subsec. (d)(3)(B)(iii) **to reflect the probable intent of Congress.**

Subsec. (d)(3)(E). Pub. L. 94–455, §209(a)(3), substituted "limitation in paragraph (1)" for "limitations in paragraphs (1) and (2)(A)".

Subsec. (d)(4)(B), (C). Pub. L. 94–455, §1906(b)(13)(A), struck out "or his delegate" after "Secretary".

Subsec. (d)(5). Pub. L. 94–455, §209(a)(4), (5), redesignated par. (6) as (5) and inserted provision relating to the application of this paragraph after Dec. 31, 1975, on an allocation basis rather than a specific item basis. Former par. (5), relating to capital gains treatment of investment interest, was struck out.

Pub. L. 94–455, §1901(b)(3)(K), directed the amendment of par. (5) by substituting "ordinary income" for "gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231", such par. (5) having been struck out by Pub. L. 94–455, §209(a)(4).

Subsec. (d)(6). Pub. L. 94–455, §§209(a)(4), 1906(b)(13)(A), redesignated par. (7) as (6) and struck out in provision following subpar. (B) "or his delegate" after "Secretary". Former par. (6) redesignated (5).

Subsec. (d)(7). Pub. L. 94–455, §209(a)(6), added par. (7). Former par. (7) redesignated (6).

§164. Taxes

AMENDMENTS

2010—Subsec. (b)(5)(I). Pub. L. 111–312 substituted "January 1, 2012" for "January 1, 2010".

Subsec. (f)(1). Pub. L. 111–148, which directed the insertion of "(other than the taxes imposed by section 1401(b)(2))" after "section 1401)" in subsec. (f), was executed by making the insertion after "section 1401" in subsec. (f)(1), **to reflect the probable intent of Congress.**

§168. Accelerated cost recovery system

AMENDMENTS

2008—Subsec. (b)(2)(C), (D). Pub. L. 110–343, §306(c), added subpar. (C) and redesignated former subpar. (C) as (D).

Subsec. (b)(3)(I). Pub. L. 110–343, §305(c)(3), added subpar. (I).

Subsec. (e)(3)(A)(i). Pub. L. 110–246, §15344(a), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: "any race horse which is more than 2 years old at the time it is placed in service,".

Subsec. (e)(3)(B)(vii). Pub. L. 110–343, §505(a), added cl. (vii).

Subsec. (e)(3)(D)(iii), (iv). Pub. L. 110–343, §306(a), added cls. (iii) and (iv).

Subsec. (e)(3)(E)(iv), (v). Pub. L. 110–343, §305(a)(1), substituted "January 1, 2010" for "January 1, 2008".

Subsec. (e)(3)(E)(ix). Pub. L. 110–343, §305(c)(1), added cl. (ix).

Subsec. (e)(7). Pub. L. 110–343, §305(b)(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "The term 'qualified restaurant property' means any section 1250 property which is an improvement to a building if—

"(A) such improvement is placed in service more than 3 years after the date such building was first placed in service, and

"(B) more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals."

Subsec. (e)(8). Pub. L. 110–343, §305(c)(2), added par. (8).

Subsec. (g)(3)(B). Pub. L. 110–343, §505(b), inserted table item relating to subpar. (B)(vii).

Pub. L. 110–343, §305(c)(4), inserted table item relating to subpar. (E)(ix).

Subsec. (i)(15)(D). Pub. L. 110–343, §317(a), substituted "December 31, 2009" for "December 31, 2007".

Subsec. (i)(18), (19). Pub. L. 110–343, §306(b), added pars. (18) and (19).

Subsec. (j)(8). Pub. L. 110–343, §315(a), substituted "December 31, 2009" for "December 31, 2007".

Subsec. (k). Pub. L. 110–185, §103(c)(11), substituted "December 31, 2007" for "September 10, 2001" and "January 1, 2009" for "January 1, 2005" in heading.

Pub. L. 110–185, §103(a)(1), (3), substituted "December 31, 2007" for "September 10, 2001" and "January 1, 2009" for "January 1, 2005" wherever appearing in text.

Subsec. (k)(1)(A). Pub. L. 110–185, §103(b), substituted "50 percent" for "30 percent".

Subsec. (k)(2)(A)(iii)(I). Pub. L. 110–185, §103(a)(2), substituted "January 1, 2008" for "September 11, 2001".

Subsec. (k)(2)(A)(iv). Pub. L. 110–185, §103(a)(4), substituted "January 1, 2010" for "January 1, 2006".

Subsec. (k)(2)(B)(i)(I). Pub. L. 110–185, §103(c)(1), substituted "(iii), and (iv)" for "and (iii)".

Subsec. (k)(2)(B)(i)(IV). Pub. L. 110–185, §103(c)(2), which directed substitution of "clause (iii)" for "clauses (ii) and (iii)", was executed by substituting "clause (iii)" for "clause (ii) or (iii)" **to reflect the probable intent of Congress.**

Subsec. (k)(2)(B)(ii). Pub. L. 110–185, §103(c)(12), substituted "pre-January 1, 2009" for "pre-January 1, 2005" in heading.

Subsec. (k)(2)(C)(i). Pub. L. 110–185, §103(c)(3), substituted ", (iii), and (iv)" for "and (iii)".

Subsec. (k)(2)(D)(iii). Pub. L. 110–185, §103(c)(5)(B), struck out last sentence which read as follows: "The preceding sentence shall be applied separately with respect to property treated as qualified property by paragraph (4) and other qualified property."

Subsec. (k)(2)(F)(i). Pub. L. 110–185, §103(c)(4), substituted "\$8,000" for "\$4,600".

Subsec. (k)(4). Pub. L. 110–289 added par. (4).

Pub. L. 110–185, §103(c)(5)(A), struck out par. (4) which related to treatment of 50-percent bonus depreciation for certain property.

Subsec. (k)(4)(B)(iii). Pub. L. 110–185, §103(a)(4), substituted "January 1, 2010" for "January 1, 2006".

Subsec. (I). Pub. L. 110–343, §201(b)(1), (2), substituted "cellulosic biofuel" for "cellulosic biomass ethanol" in heading and wherever appearing in text.

Subsec. (l)(2). Pub. L. 110–343, §201(b)(3), substituted "cellulosic biofuel" for "cellulosic biomass ethanol" in heading.

Subsec. (l)(3). Pub. L. 110–343, §201(a), amended heading and text of par. (3) generally. Prior to amendment, text read as follows: "For purposes of this subsection, the term 'cellulosic biomass ethanol' means ethanol produced by hydrolysis of any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis."

Subsec. (l)(4). Pub. L. 110–185, §103(c)(6), added subpar. (A) and redesignated former subpars. (A) to (C) as (B) to (D), respectively.

Subsec. (l)(5)(A). Pub. L. 110–185, §103(c)(7)(A), substituted "December 31, 2007" for "September 10, 2001".

Subsec. (l)(5)(B). Pub. L. 110–185, §103(c)(7)(B), substituted "January 1, 2009" for "January 1, 2005".

Subsec. (m). Pub. L. 110–343, §308(a), added subsec. (m).

Subsec. (n). Pub. L. 110–343, §710(a), added subsec. (n).

2004—Subsec. (b)(2)(A). Pub. L. 108–357, §211(d)(2), inserted "not referred to in paragraph (3)" before comma at end.

Subsec. (b)(3)(G), (H). Pub. L. 108–357, §211(d)(1), added subpars. (G) and (H).

Subsec. (e)(3)(C)(ii). Pub. L. 108–357, §704(a), added cl. (ii). Former cl. (ii) redesignated (iii).

Subsec. (e)(3)(C)(iii). Pub. L. 108–357, §706(a), added cl. (iii). Former cl. (iii) redesignated (iv).

Pub. L. 108–357, §704(a), redesignated cl. (ii) as (iii).

Subsec. (e)(3)(C)(iv). Pub. L. 108–357, §706(a), redesignated cl. (iii) as (iv).

Subsec. (e)(3)(E)(iv), (v). Pub. L. 108–357, §211(a), added cls. (iv) and (v).

Subsec. (e)(3)(E)(vi). Pub. L. 108–357, §901(a), added cl. (vi).

Subsec. (e)(3)(F). Pub. L. 108–357, §901(b), added subpar. (F).

Subsec. (e)(6), (7). Pub. L. 108–357, §211(b), (c), added pars. (6) and (7).

Subsec. (g)(3)(A). Pub. L. 108–357, §847(a), inserted "(notwithstanding any other subparagraph of this paragraph)" after "shall".

Subsec. (g)(3)(B). Pub. L. 108–357, §901(c), inserted table items relating to subpars. (E)(vi) and (F).

Pub. L. 108–357, §706(c), which directed amendment of table by inserting item relating to subpar. (C)(iii) after item relating to subpar. (C)(ii), was executed by making the insertion after item relating to subpar. (C)(i) **to reflect the probable intent of Congress.**

Pub. L. 108–357, §211(e), inserted table items relating to subpars. (E)(iv) and (E)(v).

Subsec. (h)(2)(A). Pub. L. 108–357, §847(e), added cl. (iv) and concluding provisions.

Subsec. (h)(3)(A). Pub. L. 108–357, §847(d), inserted at end "Notwithstanding subsection (i)(3)(A)(i), in determining a lease term for purposes of the preceding sentence, there shall not be taken into account any option of the lessee to renew at the fair market value rent determined at the time of renewal; except that the aggregate period not taken into account by reason of this sentence shall not exceed 24 months."

Subsec. (i)(3)(A)(ii), (iii). Pub. L. 108–357, §847(c), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (i)(15). Pub. L. 108–357, §704(b), added par. (15).

Subsec. (i)(16). Pub. L. 108–357, §706(b), added par. (16).

Subsec. (j)(8). Pub. L. 108–311, §316, substituted "2005" for "2004".

Subsec. (k)(2)(A)(iv). Pub. L. 108–357, §336(a)(2), substituted "subparagraphs (B) and (C)" for "subparagraph (B)".

Subsec. (k)(2)(B)(i). Pub. L. 108–311, §403(a)(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "The term 'qualified property' includes property—

"(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

"(II) which has a recovery period of at least 10 years or is transportation property, and

"(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof."

Subsec. (k)(2)(B)(iv). Pub. L. 108–357, §336(b)(1), added cl. (iv).

Subsec. (k)(2)(C). Pub. L. 108–357, §336(a)(1), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (k)(2)(D). Pub. L. 108–357, §336(a)(1), redesignated subpar. (C) as (D). Former subpar. (D) redesignated (E).

Subsec. (k)(2)(D)(ii). Pub. L. 108–311, §408(a)(6)(A), inserted "is" after "if property" in introductory provisions.

Pub. L. 108–311, §403(a)(2)(B), inserted "clause (iii) and" before "subparagraph (A)(ii)" in introductory provisions.

Subsec. (k)(2)(D)(ii)(I). Pub. L. 108–311, §408(a)(6)(B), struck out "is" before "originally".

Subsec. (k)(2)(D)(iii), (iv). Pub. L. 108–311, §403(a)(2)(A), added cls. (iii) and (iv).

Subsec. (k)(2)(E). Pub. L. 108–357, §336(a)(1), redesignated subpar. (D) as (E). Former subpar. (E)

redesignated (F).

Subsec. (k)(2)(E)(iii)(II). Pub. L. 108-357, §337(a), which directed amendment of subcl. (II) by inserting before comma at end "(or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months)", was executed by making the insertion before ", and" **to reflect the probable intent of Congress.**

Subsec. (k)(2)(F). Pub. L. 108-357, §336(a)(1), redesignated subpar. (E) as (F). Former subpar. (F) redesignated (G).

Pub. L. 108-311, §408(a)(8), substituted "minimum" for "miniumum" in heading.

Subsec. (k)(2)(G). Pub. L. 108-357, §336(a)(1), redesignated subpar. (F) as (G).

Subsec. (k)(4)(A)(ii). Pub. L. 108-357, §336(b)(2), substituted "paragraph (2)(D)" for "paragraph (2)(C)".

Subsec. (k)(4)(B)(iii). Pub. L. 108-357, §336(b)(3), inserted "and paragraph (2)(C)" after "of this paragraph)".

Subsec. (k)(4)(C). Pub. L. 108-357, §336(b)(4), substituted "subparagraphs (B), (C), and (E)" for "subparagraphs (B) and (D)".

Subsec. (k)(4)(D). Pub. L. 108-357, §336(b)(5), substituted "Paragraph (2)(F)" for "Paragraph (2)(E)".

1986—Pub. L. 99-514, §201(a), amended section generally, applicable, with exceptions enumerated in sections 203, 204, and 251(d) of Pub. L. 99-514 [set out as notes below and under section 46 of this title], to property placed in service after Dec. 31, 1986, modifying existing accelerated cost recovery system by substituting new subsecs. (a) to (i) for former subsecs. (a) to (k). See following paragraphs of 1986 Amendment note for amendments to former text by sections 1802 and 1809 of Pub. L. 99-514.

Subsec. (b)(2)(A). Pub. L. 99-514, §1809(a)(2)(A)(i)(I), struck out closing provisions relating to determination, in the case of 19-year real property, of applicable percentage in taxable year in which the property is placed in service.

Subsec. (b)(2)(B). Pub. L. 99-514, §1809(a)(2)(A)(i)(II), substituted "Mid-month convention for 19-year real property" for "Special rule for year of disposition" in heading and amended text generally, substituting "In the case of 19-year real property, the amount of the deduction determined under any provision of this section (or for purposes of section 57(a)(12)(B) or 312(k)) for any taxable year shall be determined on the basis of the number of months (using a mid-month convention) in which the property is in service." for prior provisions.

Subsec. (b)(3)(A). Pub. L. 99-514, §1809(a)(1)(A), which directed that the table be amended by striking "and low-income housing" in last item, was executed by striking "and low-income housing" after "19-year real property" in next-to-the-last item, **to reflect the probable intent of Congress,** because that phrase did not appear in last item.

Pub. L. 99-514, §1809(a)(1)(B), inserted at the end item for low-income housing with recovery periods of 15, 35, or 45 years.

Subsec. (b)(4)(B). Pub. L. 99-514, §1809(a)(2)(B), substituted "Monthly convention" for "Special rule for year of disposition" in heading and amended text generally, substituting "In the case of low-income housing, the amount of the deduction determined under any provision of this section (or for purposes of section 57(a)(12)(B) or 312(k)) for any taxable year shall be determined on the basis of the number of months (treating all property placed in service or disposed of during any month as placed in service or disposed of on the first day of such month) in which the property is in service." for prior provisions.

Subsec. (f)(2)(B). Pub. L. 99-514, §1809(a)(2)(A)(ii), redesignated existing provisions as entire subpar. (B), struck out "(i) In general", redesignated subcls. (I) and (II) as cls. (i) and (ii), and in cl. (ii) struck out "(taking into account the next to the last sentence of subsection (b)(2)(A))" after "assign percentages" and struck out heading, "(ii) Special rule for disposition" and text, "In the case of a disposition of 19-year real property or low-income housing described in clause (i), subsection (b)(2)(B) shall apply."

Subsec. (f)(10)(A). Pub. L. 99-514, §1809(b)(1), amended subpar. (A) generally, substituting "In the case of recovery property transferred in a transaction described in subparagraph (B), for purposes of computing the deduction allowable under subsection (a) with respect to so much of the basis in the hands of the transferee as does not exceed the adjusted basis in the hands of the transferor—

"(i) if the transaction is described in subparagraph (B)(i), the transferee shall be treated in the same manner as the transferor, or

"(ii) if the transaction is described in clause (ii) or (iii) of subparagraph (B) and the transferor made an election with respect to such property under subsection (b)(3) or (f)(2)(C), the transferee shall be treated as having made the same election (or its equivalent)."

for prior provisions.

Subsec. (f)(10)(B). Pub. L. 99-514, §1809(b)(2), inserted at end "Clause (i) shall not apply in the case of the termination of a partnership under section 708(b)(1)(B)."

Subsec. (f)(12)(B)(ii). Pub. L. 99-514, §1809(a)(4)(A), amended cl. (ii) generally, substituting "In the case of 19-year real property, the amount of the deduction allowed shall be determined by using the straight-line method (without regard to salvage value) and a recovery period of 19 years." for prior provisions.

Subsec. (f)(12)(C). Pub. L. 99-514, §1809(a)(4)(B), substituted "Exception for low- and moderate-income housing" for "Exception for projects for residential rental property" in heading and amended text generally, substituting "Subparagraph (A) shall not apply to—

"(i) any low-income housing, and

"(ii) any other recovery property which is placed in service in connection with projects for residential rental property financed by the proceeds of obligations described in section 103(b)(4)(A)." for prior provisions.

Subsec. (f)(14), (15). Pub. L. 99-514, §1802(b)(1), redesignated the par. (13) relating to motor vehicle operating leases as (14) and redesignated former par. (14) as (15).

Subsec. (j)(2)(B)(ii). Pub. L. 99-514, §1809(a)(2)(C)(i), substituted "Cross reference" for "19-year real property" in heading and amended text generally, substituting "For other applicable conventions, see paragraphs (2)(B) and (4)(B) of subsection (b)." for prior provisions.

Subsec. (j)(3)(D). Pub. L. 99-514, §1802(a)(1), inserted at end "For purposes of subparagraph (B)(iii), any portion of a property so used shall not be treated as leased to a tax-exempt entity in a disqualified lease."

Subsec. (j)(4)(E)(i). Pub. L. 99-514, §1802(a)(2)(A), (G), substituted "any property (other than property held by such organization)" for "any property of which such organization is the lessee", "first used by" for "first leased to", and "preceding sentence and subparagraph (D)(ii)" for "preceding sentence".

Subsec. (j)(4)(E)(ii). Pub. L. 99-514, §1802(a)(2)(B), (C), struck out "of which such organization is the lessee" after "respect to any property" in subcl. (I) and substituted "is first used by the organization" for "is placed in service under the lease" in subcl. (II).

Subsec. (j)(4)(E)(iv). Pub. L. 99-514, §1802(a)(2)(D), added cl. (iv), first used, which read as follows: "For purposes of this subparagraph, property shall be treated as first used by the organization—

"(I) when the property is first placed in service under a lease to such organization, or

"(II) in the case of property leased to (or held by) a partnership (or other pass-thru entity) in which the organization is a member, the later of when such property is first used by such partnership or pass-thru entity or when such organization is first a member of such partnership or pass-thru entity."

Subsec. (j)(5)(C)(iv). Pub. L. 99-514, §1802(a)(3), struck out cl. (iv), relating to exclusion of property not subject to rapid obsolescence.

Subsec. (j)(8), (9)(A). Pub. L. 99-514, §1802(a)(4)(A), (B)(i), struck out "and paragraphs (4) and (5) of section 48(a)" after "For purposes of this subsection" in introductory provisions.

Subsec. (j)(9)(B)(i). Pub. L. 99-514, §1802(a)(4)(B)(ii), inserted a comma between "loss" and "deduction".

Subsec. (j)(9)(D). Pub. L. 99-514, §1802(a)(7)(A), added subpar. (D), determination of whether property used in unrelated trade or business, which read as follows: "For purposes of this subsection, in the case of any property which is owned by a partnership which has both a tax-exempt entity and a person who is not a tax-exempt entity as partners, the determination of whether such property is used in an unrelated trade or business of such an entity shall be made without regard to section 514." Former subpar. (D) was redesignated (E).

Subsec. (j)(9)(E). Pub. L. 99-514, §1802(a)(7), redesignated former subpar. (D) as (E) and substituted "(C), and (D)" for "and (C)". Former subpar. (E), was redesignated (F).

Pub. L. 99-514, §1802(a)(2)(E)(i), added subpar. (E), treatment of certain taxable entities, consisting of cl. (i), in general, which read: "For purposes of this paragraph, except as otherwise provided in this subparagraph, any tax-exempt controlled entity shall be treated as a tax-exempt entity.", cl. (ii), election, which read: "If a tax-exempt controlled entity makes an election under this clause—

"(I) such entity shall not be treated as a tax-exempt entity for purposes of this paragraph, and

"(II) any gain recognized by a tax-exempt entity on any disposition of an interest in such entity (and any dividend or interest received or accrued by a tax-exempt entity from such tax-exempt controlled entity) shall be treated as unrelated business taxable income for purposes of section 511.

Any such election shall be irrevocable and shall bind all tax-exempt entities holding interests in such tax-exempt controlled entity. For purposes of subclause (II), there shall only be taken into account dividends which are properly allocable to income of the tax-exempt controlled entity which was not subject to tax under this chapter.", and cl. (iii), tax-exempt controlled entity, which read "The term 'tax-exempt controlled entity' means any corporation (which is not a tax-exempt entity determined without regard to this subparagraph and paragraph (4)(E)) if 50 percent or more (by value) of the stock in such corporation is held (directly or through the application of section 318 determined without regard to the 50-percent limitation contained in subsection (a)(2)(C) thereof) by 1 or more tax-exempt entities." Former subpar. (E) was redesignated (F).

Subsec. (j)(9)(F). Pub. L. 99-514, §1802(a)(7)(A), redesignated former subpar. (E) as (F). Former subpar. (F) redesignated (G).

Pub. L. 99-514, §1802(a)(2)(E)(i), redesignated former subpar. (E) as (F).

Subsec. (j)(9)(G). Pub. L. 99-514, §1802(a)(7)(A), redesignated former subpar. (F) as (G).

§170. Charitable, etc., contributions and gifts

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Sections 1202(a), 1204(a), 1206(a), (b)(1), 1213(a)-(d), 1214(a), (b), 1215(a), 1216(a), 1217(a), 1218(a), 1219(c)(1), and 1234(a) of Pub. L. 109-280, which directed the amendment of section 170 without specifying the act to be amended, were executed to this section which is section 170 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§171. Amortizable bond premium

AMENDMENTS

2004—Subsec. (c)(2). Pub. L. 108-357, §413(c)(2)(B), which directed amendment of par. (2) by striking out ", or foreign personal holding company", was executed by striking out "or foreign personal holding company" after "the common trust fund", **to reflect the probable intent of Congress**.

Pub. L. 108-357, §413(c)(2)(A), struck out ", or by a foreign personal holding company, as defined in section 552" after "section 584(a)".

§172. Net operating loss deduction

AMENDMENTS

1993—Subsec. (d)(2). Pub. L. 103-66, §13113(d)(1)(A), amended heading and text of par. (2) generally. Prior to amendment, text read as follows: "In the case of a taxpayer other than a corporation, the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets."

Subsec. (d)(4)(B). Pub. L. 103-66, §13113(d)(1)(B), which directed the insertion of ", (2)(B)," after "paragraph (1)", was executed by making the insertion after "paragraphs (1)" **to reflect the probable intent of Congress**.

1986—Subsec. (b)(1)(A), (B). Pub. L. 99-514, §903(b)(2)(A), (B), inserted reference to subpars. (L) and (M).

Subsec. (b)(1)(F). Pub. L. 99-514, §903(a)(1), inserted "and before January 1, 1987,".

Pub. L. 99-514, §901(d)(4)(B), substituted "referred to in section 582(c)(5)" for "to which section 585, 586, or 593 applies".

Subsec. (b)(1)(G). Pub. L. 99-514, §903(a)(2), inserted "and before January 1, 1987,".

Subsec. (b)(1)(H). Pub. L. 99-514, §903(a)(3)(A), struck out "after December 31, 1981," and inserted "after December 31, 1981, and before January 1, 1987,".

Pub. L. 99-514, §903(a)(3)(B), which directed that subpar. (H) be amended by striking out "after December 31, 1984," and inserting "after December 31, 1984, and before January 1, 1987," was executed by striking out "after December 31, 1984" and inserting "after December 31, 1984, and before January 1, 1987", **to reflect the probable intent of Congress** and the fact that no comma appeared after "1984" and was not necessary after "1987".

Subsec. (b)(1)(J), (K). Pub. L. 99-514, §1303(b)(1), redesignated subpar. (K) as (J) and struck out former subpar. (J) which read as follows: "In the case of an electing GSOC which has a net operating loss for any taxable year such loss shall not be a net operating loss carryback to any taxable year preceding the year of such loss, but shall be a net operating loss carryover to each of the 10 taxable years following the year of such loss."

Subsec. (b)(1)(L), (M). Pub. L. 99-514, §903(b)(1), added subpars. (L) and (M).

Subsec. (d)(2). Pub. L. 99-514, §301(b)(3), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction for long-term capital gains provided by section 1202 shall not be allowed."

Subsec. (d)(6). Pub. L. 99-514, §1899A(6), added heading.

Subsec. (d)(7). Pub. L. 99-514, §104(b)(4), struck out par. (7), zero bracket amount, which read as follows: "In the case of a taxpayer other than a corporation, the zero bracket amount shall be treated as a deduction allowed by this chapter. For purposes of subsection (c)—

"(A) the deduction provided by the preceding sentence shall be in lieu of any itemized deductions of the taxpayer, and

"(B) such sentence shall not apply to an individual who elects to itemize deductions."

Subsec. (k)(2), (4). Pub. L. 99-514, §1303(b)(2), substituted "subsection (b)(1)(J)" for "subsection (b)(1)(K)".

Subsecs. (l), (m). Pub. L. 99-514, §903(b)(2)(C), added subsec. (l) and redesignated former subsec. (l) as (m).

[§179A. Repealed. Pub. L. 113-295, div. A, title II, §221(a)(34)(A), Dec. 19, 2014, 128 Stat. 4042]

Section, added Pub. L. 102-486, title XIX, §1913(a)(1), Oct. 24, 1992, 106 Stat. 3016; amended Pub. L. 104-188, title I, §1704(j)(2), Aug. 20, 1996, 110 Stat. 1881; Pub. L. 107-147, title VI, §606(a), Mar. 9, 2002, 116 Stat. 60; Pub. L. 108-311, title III, §319(a), Oct. 4, 2004, 118 Stat. 1182; Pub. L. 109-58, title XIII, §1348, Aug. 8, 2005, 119 Stat. 1056, related to deduction for clean-fuel vehicles and certain refueling property. Repeal was executed to this section, which is in part VI of subchapter B of chapter 1, **to reflect the probable intent of Congress**, notwithstanding directory language of Pub. L. 113-295, which repealed section 179A in part VI of subchapter A of chapter 1.

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§181. Treatment of certain qualified film and television and live theatrical productions

AMENDMENTS

2015—Pub. L. 114–113, §169(b)(2)(C), inserted "and live theatrical" after "film and television" in section catchline.

Subsec. (a)(1). Pub. L. 114–113, §169(b)(1), inserted ", and any qualified live theatrical production," after "any qualified film or television production".

Subsecs. (a)(2)(A), (B), (b), (c)(1). Pub. L. 114–113, §169(b)(2)(A), inserted "or any qualified live theatrical production" after "qualified film or television production".

Subsec. (e). Pub. L. 114–113, §169(c)(2), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 114–113, §169(c)(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Pub. L. 114–113, §169(b)(2)(B), which directed insertion of "or qualified live theatrical productions" after "qualified film or television productions", was executed by making the insertion after "qualified film and television productions", **to reflect the probable intent of Congress**.

Pub. L. 114–113, §169(a), substituted "December 31, 2016" for "December 31, 2014".

Subsec. (g). Pub. L. 114–113, §169(c)(1), redesignated subsec. (f) as (g).

[§198A. Repealed. Pub. L. 113–295, div. A, title II, §221(a)(35), Dec. 19, 2014, 128 Stat. 4042]

Section, added Pub. L. 110–343, div. C, title VII, §707(a), Oct. 3, 2008, 122 Stat. 3923, related to expensing of qualified disaster expenses. Repeal was executed to this section, which is in part VI of subchapter B of chapter 1, **to reflect the probable intent of Congress**, notwithstanding directory language of Pub. L. 113–295, which repealed section 198A in part VI of subchapter A of chapter 1.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 19, 2014, subject to a savings provision, see section 221(b) of Pub. L. 113–295, set out as an Effective Date of 2014 Amendment note under section 1 of this title.

§249. Limitation on deduction of bond premium on repurchase

AMENDMENTS

2014—Subsec. (a). Pub. L. 113–295, §220(i), substituted "1563(a)(1)" for "1563(a)(1)".

Subsec. (b). Pub. L. 113–295, §221(a)(43), which directed amendment of subsec. (b)(1) by striking out ", in the case of bonds or other evidences of indebtedness issued after February 28, 1913," after "repurchase, or", was executed by making the amendment in subsec. (b) **to reflect the probable intent of Congress** and the prior amendment by Pub. L. 112–95, §1108(b). See 2012 Amendment note below.

§263A. Capitalization and inclusion in inventory costs of certain expenses

AMENDMENTS

2004—Subsec. (c)(3). Pub. L. 108–357, which directed amendment of par. (3) by inserting "179B," after "section", was executed by making the insertion after "section" the second place it appeared **to reflect the probable intent of Congress**.

§274. Disallowance of certain entertainment, etc., expenses

AMENDMENTS

1986—Subsec. (b)(1). Pub. L. 99-514, §122(c)(1)-(3), and Pub. L. 100-647, §1018(u)(2), made conforming amendments to subpars. (A) and (B) and struck out subpar. (C) which read as follows: "an item of tangible personal property which is awarded to an employee by reason of length of service, productivity, or safety achievement, but only to the extent that—

"(i) the cost of such item to the taxpayer does not exceed \$400, or

"(ii) such item is a qualified plan award."

Subsec. (b)(3). Pub. L. 99-514, §122(c)(4), struck out par. (3) relating to qualified plan award, defining such term in subpar. (A), and providing for average amount of awards in subpar. (B) and maximum amount per item in subpar. (C).

Subsec. (e)(1). Pub. L. 99-514, §142(a)(2)(A), redesignated par. (2) as (1) and struck out former par. (1), business meals, which read as follows: "Expenses for food and beverages furnished to any individual under circumstances which (taking into account the surroundings in which furnished, the taxpayer's trade, business, or income-producing activity and the relationship to such trade, business, or activity of the persons to whom the food and beverages are furnished) are of a type generally considered to be conducive to a business discussion."

Subsec. (e)(2). Pub. L. 99-514, §142(a)(2)(A), redesignated par. (3) as (2). Former par. (2) redesignated (1).

Subsec. (e)(3). Pub. L. 99-514, §142(a)(2), redesignated par. (4) as (3) and substituted "paragraph (2)" for "paragraph (3)" in subpar. (A). Former par. (3) redesignated (2).

Subsec. (e)(4). Pub. L. 99-514, §1114(b)(6), which directed the substitution of "highly compensated employees (within the meaning of section 414(q))" for "officers, shareholders or other owners, or highly compensated employees" in par. (5) was executed to par. (4) **to reflect the probable intent of Congress**, in view of the redesignation of par. (5) as (4) by section 142(a)(2)(A) of Pub. L. 99-514.

Pub. L. 99-514, §142(a)(2)(A), redesignated par. (5) as (4). Former par. (4) redesignated (3).

Subsec. (e)(5) to (10). Pub. L. 99-514, §142(a)(2)(A), redesignated pars. (5) to (10) as pars. (4) to (9), respectively.

Subsec. (h). Pub. L. 99-514, §142(c), struck out "or 212" after "section 162" in introductory provisions of pars. (1), (2), and (5), in closing provisions of par. (2), and in par. (4)(A), struck out "or to an activity described in section 212 and" after "active conduct of his trade or business" in introductory provisions of pars. (1) and (2), and added par. (7).

Subsec. (j). Pub. L. 99-514, §122(d), added subsec. (j). Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 99-514, §142(a)(1), added subsec. (k). Former subsec. (k) redesignated (o).

Subsecs. (l) to (n). Pub. L. 99-514, §142(b), added subsecs. (l) to (n).

Subsec. (o). Pub. L. 99-514, §142(a)(1), redesignated former subsec. (k) as (o).

§291. Special rules relating to corporate preference items

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-514, §1804(k)(3)(A), substituted "Reduction" for "20-percent reduction" in heading.

Subsec. (a)(1)(A). Pub. L. 99-514, §201(d)(5)(A), struck out "or section 1245 recovery property" after "section 1245 property".

Subsec. (a)(2). Pub. L. 99-514, §412(b)(1), substituted "20 percent" for "15 percent".

Subsec. (a)(4). Pub. L. 99-514, §1876(b)(1), substituted "Certain FSC income" for "Certain deferred FSC income" in heading and amended text generally. Prior to amendment, text read as follows: "If a C corporation is a shareholder of the FSC, in the case of taxable years beginning after December 31, 1984, section 923(a) shall be applied with respect to such corporation by substituting—

"(A) '30 percent' for '32 percent' in paragraph (2), and

"(B) '15/23' for '16/23' in paragraph (3)."

Pub. L. 99-514, §1804(k)(1), substituted "If a C corporation" for "If a corporation".

Subsec. (b)(1). Pub. L. 99-514, §411(a)(1), (b)(2)(C)(ii), substituted "30 percent" for "20 percent" in closing provisions and "617(a)" for "617" in subpar. (B).

Subsec. (b)(2) to (6). Pub. L. 99-514, §411(a)(2), added pars. (2) to (5) and struck out former pars. (2) to (6) as follows: former par. (2), special rule for amounts not allowable as deductions under paragraph (1), related in subpar. (A) to intangible drilling costs and in subpar. (B) to mineral exploration and development costs; former par. (3) defined applicable percentage in accordance with table for taxable years 1 to 5; former

par. (4) dispositions, related in subpar. (A) to oil, gas, and geothermal property, in subpar. (B) to application of section 617(d) of this title, and in subpar. (C) to recapture of investment credit; former par. (5) defined integrated oil company; and former par. (6) related to coordination with cost depletion.

Subsec. (c)(1). Pub. L. 99-514, §201(d)(5)(B), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "For purposes of subclause (1) of section 168(d)(1)(A)(ii), a taxpayer shall not be treated as electing the amortization deduction under section 169 with respect to that portion of the basis not taken into account under section 169 by reason of subsection (a)(5)."

Subsec. (e)(1)(A). Pub. L. 99-514, §901(b)(4), struck out "or 593" after "section 585".

Subsec. (e)(1)(B). Pub. L. 99-514, §902(c)(2)(C), substituted "1982, and before August 8, 1986" for "1982" in heading.

Subsec. (e)(1)(B)(i). Pub. L. 99-514, §902(c)(1), (2)(A), substituted "1982, and before August 8, 1986" for "1982" and "(but for this paragraph or section 265(b))" for "(but for this paragraph)".

Pub. L. 99-514, §901(d)(4)(C), substituted "which is a bank (as defined in section 582(a)(2)) or to which section 593 applies" for "to which section 585 or 593 applies".

Subsec. (e)(1)(B)(ii). Pub. L. 99-514, §902(c)(2)(B), inserted "and section 265(b)".

Subsec. (e)(1)(B)(iv). Pub. L. 99-514, §1854(c)(1), added cl. (iv) relating to special rules for obligations to which section 133 applies.

Pub. L. 99-514, §902(c)(2)(D), added cl. (iv) relating to application of subparagraph to certain obligations issued after August 7, 1986.

Subsec. (e)(2). Pub. L. 99-514, §201(d)(5)(C), struck out ", 'section 1245 recovery property'," after "'section 1245 property'" and directed that par. (2) be amended by striking out ", section 1245(a)(5)," which was executed by striking out ", 1245(a)(5)," after "sections 1245(a)(3)" **to reflect the probable intent of Congress.**

Congress.

1984—Subsec. (a). Pub. L. 98-369, §68(a), which directed that each subsection be amended by substituting "20 percent" for "15 percent" wherever appearing, was executed in heading by substituting "20-percent" for "15-percent" **to reflect the probable intent of Congress.**

Subsec. (a)(1). Pub. L. 98-369, §68(a), substituted "20 percent" for "15 percent" in provisions preceding subpar. (A).

Pub. L. 98-369, §712(a)(1)(A)(ii), inserted "under section 1250" in provisions following subpar. (B).

Subsec. (a)(1)(B). Pub. L. 98-369, §712(a)(1)(A)(i), inserted "(determined without regard to this paragraph)".

Subsec. (a)(3). Pub. L. 98-369, §68(a), substituted "20 percent" for "15 percent".

Subsec. (a)(4). Pub. L. 98-369, §68(b), amended par. (4) generally. Prior to amendment, par. (4) read as follows:

"(4) CERTAIN DEFERRED DISC INCOME.—If a corporation is a shareholder of a DISC, in the case of taxable years beginning after December 31, 1982, section 995(b)(1)(F)(i) shall be applied with respect to such corporation by substituting '57.5 percent' for 'one-half'."

Subsec. (a)(5). Pub. L. 98-369, §68(a), substituted "20 percent" for "15 percent".

Subsec. (b)(1). Pub. L. 98-369, §68(a), substituted "20 percent" for "15 percent" in provisions following subpar. (B).

Subsec. (b)(2)(B)(ii). Pub. L. 98-369, §712(a)(2), inserted "in the case of a deposit located in the United States,".

Subsec. (b)(6). Pub. L. 98-369, §712(a)(3), substituted "attributable to amounts to which paragraph (1) applied" for "attributable to intangible drilling and development costs or mining exploration and development costs".

Subsec. (e)(1)(B)(iii). Pub. L. 98-369, §712(a)(4), added cl. (iii).

§368. Definitions relating to corporate reorganizations

AMENDMENTS

1999—Subsec. (a)(1)(C). Pub. L. 106-36, §3001(a)(3)(A), struck out ", or the fact that property acquired is subject to a liability," before "shall be disregarded".

Subsec. (a)(2)(B). Pub. L. 106-36, §3001(a)(3)(B), which directed amendment of concluding provisions by striking out ", and the amount of any liability to which any property acquired from the acquiring corporation is subject," was executed by striking out ", and the amount of any liability to which any property acquired by the acquiring corporation is subject," after "acquiring corporation", **to reflect the probable intent of Congress.**

Subchapter D—Deferred Compensation, Etc.
PART I—PENSION, PROFIT-SHARING, STOCK BONUS PLANS, ETC.

Subpart

- A. General rule.
- B. Special rules.
- C. Insolvent plans.
- D. Treatment of welfare benefit funds.
- E. Treatment of transfers to retiree health accounts.¹

AMENDMENTS

2014—Pub. L. 113–235, div. O, title I, §108(b)(3)(D), Dec. 16, 2014, 128 Stat. 2789, which directed amendment of the table of subparts for part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 by striking the heading and inserting "INSOLVENT PLANS" without specifying the subpart, was executed to the heading for subpart C by substituting "Insolvent plans" for "Special rules for multiemployer plans", **to reflect the probable intent of Congress.**

1984—Pub. L. 98–369, div. A, title V, §511(d), July 18, 1984, 98 Stat. 862, added heading for subpart D.

1980—Pub. L. 96–364, title II, §202(b), Sept. 26, 1980, 94 Stat. 1285, added heading for subpart C.

¹ Editorially supplied. Subpart E of part I added by Pub. L. 101–508 without corresponding amendment of part analysis.

§401. Qualified pension, profit-sharing, and stock bonus plans

AMENDMENTS

2006—Subsec. (a)(5)(G). Pub. L. 109–280, §861(a)(1), (b)(1), substituted "Governmental" for "State and local governmental" in heading and "section 414(d)" for "section 414(d) maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)" in text.

Subsec. (a)(26)(G). Pub. L. 109–280, §861(a)(1), (b)(2), substituted "Exception for" for "Exception for state and local" in heading and "section 414(d)" for "section 414(d) maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)" in text.

Subsec. (a)(28)(B)(v). Pub. L. 109–280, §901(a)(2)(A), added cl. (v).

Subsec. (a)(29). Pub. L. 109–280, §114(a)(1), amended heading and text of par. (29) generally, substituting provisions relating to benefit limitations on plans in at-risk status for provisions relating to security required upon adoption of plan amendment resulting in significant underfunding.

Subsec. (a)(32)(A). Pub. L. 109–280, §114(a)(2)(A), substituted "section 430(j)(4)" for "412(m)(5)" in two places.

Subsec. (a)(32)(C). Pub. L. 109–280, §114(a)(2)(B), substituted "section 430(j)" for "section 412(m)".

Subsec. (a)(33)(B)(i). Pub. L. 109–280, §114(a)(3)(A), which directed amendment of cl. (i) by substituting "funding target attainment percentage (as defined in section 430(d)(2))" for "funded current liability percentage (within the meaning of section 412(l)(8))", was executed by making the substitution for "funded current liability percentage (as defined in section 412(l)(8))", **to reflect the probable intent of Congress.**

Subsec. (a)(33)(B)(iii). Pub. L. 109–280, §114(a)(3)(B), substituted "section 412(c)(2)" for "subsection 412(c)(8)".

Subsec. (a)(33)(D). Pub. L. 109–280, §114(a)(3)(C), substituted "section 412(b)(2) (without regard to subparagraph (B) thereof)" for "section 412(c)(11) (without regard to subparagraph (B) thereof)".

Subsec. (a)(35). Pub. L. 109–280, §901(a)(1), added par. (35).

Subsec. (a)(36). Pub. L. 109–280, §905(b), added par. (36).

Subsec. (k)(2)(B)(i)(V). Pub. L. 109–280, §827(b)(1), added subcl. (V).

Subsec. (k)(3)(G). Pub. L. 109–280, §861(a)(2), (b)(3), inserted heading and struck out "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)" after "414(d)" in text.

Subsec. (k)(8)(A)(i). Pub. L. 109–280, §902(e)(3)(B)(i), inserted "through the end of such year" after "such contributions".

Subsec. (k)(8)(E). Pub. L. 109–280, §902(d)(2)(C), (D), inserted "or erroneous automatic contribution" after "or contribution" in heading and inserted "an erroneous automatic contribution under section 414(w)," after "402(g)(2)(A)," in text.

Subsec. (k)(13). Pub. L. 109–280, §902(a), added par. (13).

Subsec. (m)(6)(A). Pub. L. 109–280, §902(e)(3)(B)(ii), inserted "through the end of such year" after "to such contributions".

Subsec. (m)(12), (13). Pub. L. 109–280, §902(b), added par. (12) and redesignated former par. (12) as (13).

1994—Subsec. (a)(17)(B). Pub. L. 103–465, §732(a), reenacted subpar. (B) heading without change and amended text generally. Prior to amendment, text read as follows:

"(i) IN GENERAL.—If, for any calendar year after 1994, the excess (if any) of—

"(I) \$150,000, increased by the cost-of-living adjustment for the calendar year, over

"(II) the dollar amount in effect under subparagraph (A) for taxable years beginning in the calendar year,

is equal to or greater than \$10,000, then the \$150,000 amount under subparagraph (A) (as previously adjusted under this subparagraph) for any taxable year beginning in any subsequent calendar year shall be increased by the amount of such excess, rounded to the next lowest multiple of \$10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—The cost-of-living adjustment for any calendar year shall be the adjustment made under section 415(d) for such calendar year, except that the base period for purposes of section 415(d)(1)(A) shall be the calendar quarter beginning October 1, 1993."

Subsec. (a)(32). Pub. L. 103–465, §751(a)(9)(C), which directed amendment of subsec. (a) by adding par. (32) at end, was executed by adding par. (32) after par. (31) **to reflect the probable intent of Congress.**

Subsec. (a)(33). Pub. L. 103–465, §766(b), which directed amendment of subsec. (a) by adding par. (33) at end, was executed by adding par. (33) after par. (32) **to reflect the probable intent of Congress.**

Subsec. (a)(34). Pub. L. 103–465, §776(d), added par. (34).

§402. Taxability of beneficiary of employees' trust

AMENDMENTS

2006—Subsec. (c)(2)(A). Pub. L. 109–280, §822(a), which directed the amendment of section 402(c)(2)(A) by substituting "or to an annuity contract described in section 403(b) and such trust or contract provides for separate accounting" for "which is part of a plan which is a defined contribution plan and which agrees to separately account" and inserting "(and earnings thereon)" after "so transferred", without specifying the act to be amended, was executed to this section, which is section 402(c)(2)(A) of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

Subsec. (c)(11). Pub. L. 109–280, §829(a)(1), added par. (11).

Subsec. (l). Pub. L. 109–280, §845(a), added subsec. (l).

§408. Individual retirement accounts

AMENDMENTS

2006—Subsec. (d)(8). Pub. L. 109–280, which directed the amendment of section 408(d) by adding par. (8), without specifying the act to be amended, was executed by making the addition to this section, which is section 408 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

Subsec. (d)(9). Pub. L. 109–432 added par. (9).

§411. Minimum vesting standard

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 114(b) of Pub. L. 109–280 applicable to plan years beginning after 2007, see section 114(g)(1) of Pub. L. 109–280, as added by Pub. L. 110–458, set out as a note under section 401 of this title.

Pub. L. 109–280, title VII, §701(e), Aug. 17, 2006, 120 Stat. 991, as amended by Pub. L. 110–458, title I, §107(c)(2), Dec. 23, 2008, 122 Stat. 5107, provided that:

"(1) IN GENERAL.—The amendments made by this section [amending this section and sections 623, 1055 and 1054 of Title 29, Labor] shall apply to periods beginning on or after June 29, 2005.

"(2) PRESENT VALUE OF ACCRUED BENEFIT.—The amendments made by subsections (a)(2) and (b)(2) [amending this section and section 1053 of Title 29] shall apply to distributions made after the date of the enactment of this Act [Aug. 17, 2006].

"(3) VESTING AND INTEREST CREDIT REQUIREMENTS.—In the case of a plan in existence on June 29, 2005, the requirements of clause (i) of section 411(b)(5)(B) of the Internal Revenue Code of 1986, clause (i) of section 204(b)(5)(B) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1054(b)(5)(B)], and clause (i) of section 4(i)(10)(B) of the Age Discrimination in Employment Act of 1967

[29 U.S.C. 623(i)(10)(B)] (as added by this Act) and the requirements of 203(f)(2) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1053(f)(2)] and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as so added) shall, for purposes of applying the amendments made by subsections (a) and (b) [amending this section and sections 1053 and 1054 of Title 29], apply to years beginning after December 31, 2007, unless the plan sponsor elects the application of such requirements for any period on or after June 29, 2005, and before the first year beginning after December 31, 2007.

"(4) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act [Aug. 17, 2006], the requirements described in paragraph (3) shall, for purposes of applying the amendments made by subsections (a) and (b) [amending this section and sections 1053 and 1054 of Title 29], not apply to plan years beginning before the earlier of—

"(A) the later of—

"(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of enactment), or

"(ii) January 1, 2008, or

"(B) January 1, 2010.

"(5) CONVERSIONS.—The requirements of clause (ii) of section 411(b)(5)(B) of the Internal Revenue Code of 1986, clause (ii) of section 204(b)(5)(B) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1054(b)(5)(B)], and clause (ii) of section 4(i)(10)(B) of the Age Discrimination in Employment Act of 1967 [29 U.S.C. 623(i)(10)(B)] (as added by this Act), shall apply to plan amendments adopted on or after, and taking effect on or after, June 29, 2005, except that the plan sponsor may elect to have such amendments apply to plan amendments adopted before, and taking effect on or after, such date.

"(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1053(f)(2)] and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

"(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

"(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005."

[Pub. L. 110–458, §107(c)(2)(B)(i), which directed insertion of "the earlier of" after "before" in introductory provisions of section 701(e)(4) of Pub. L. 109–280, set out above, was executed by making the insertion after the second instance of "before" **to reflect the probable intent of Congress.**]

Amendment by section 902(d)(2)(A), (B) of Pub. L. 109–280 applicable to plan years beginning after Dec. 31, 2007, see section 902(g) of Pub. L. 109–280, set out as a note under section 401 of this title.

Pub. L. 109–280, title IX, §904(c), Aug. 17, 2006, 120 Stat. 1050, provided that:

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (4), the amendments made by this section [amending this section and section 1053 of Title 29, Labor] shall apply to contributions for plan years beginning after December 31, 2006.

"(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act [Aug. 17, 2006], the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

"(A) the later of—

"(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

"(ii) January 1, 2007; or

"(B) January 1, 2009.

"(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

"(4) SPECIAL RULE FOR STOCK OWNERSHIP PLANS.—Notwithstanding paragraph (1) or (2), in the case of an employee stock ownership plan (as defined in section 4975(e)(7) of the Internal Revenue Code of 1986) which had outstanding on September 26, 2005, a loan incurred for the purpose of acquiring qualifying employer securities (as defined in section 4975(e)(8) of such Code), the amendments made by this section shall not apply to any plan year beginning before the earlier of—

"(A) the date on which the loan is fully repaid, or

"(B) the date on which the loan was, as of September 26, 2005, scheduled to be fully repaid."

§414. Definitions and special rules

AMENDMENTS

2008—Subsec. (l)(2)(B)(i)(I). Pub. L. 110–458, §101(d)(2)(E), amended subcl. (I) generally. Prior to amendment, subcl. (I) read as follows: "the amount determined under section 431(c)(6)(A)(i) in the case of a multiemployer plan (and the sum of the funding shortfall and target normal cost determined under section 430 in the case of any other plan), over".

Subsec. (l)(2)(G). Pub. L. 110–289, §1604(b)(4), which directed substitution of "bridge depository institution" for "bridge bank", was executed by making the substitution wherever appearing in text, **to reflect the probable intent of Congress.**

Subsec. (u). Pub. L. 110–245, §105(b)(1)(B), inserted "and to differential wage payments to members on active duty" after "USERRA" in heading.

Subsec. (u)(9) to (11). Pub. L. 110–245, §104(b), added par. (9) and redesignated former pars. (9) and (10) as (10) and (11), respectively.

Subsec. (u)(12). Pub. L. 110–245, §105(b)(1)(A), added par. (12).

Subsec. (w)(3)(B) to (D). Pub. L. 110–458, §109(b)(4), inserted "and" after comma at end of subpar. (B), redesignated subpar. (D) as (C), and struck out former subpar. (C) which read as follows: "under which, in the absence of an investment election by the participant, contributions described in subparagraph (B) are invested in accordance with regulations prescribed by the Secretary of Labor under section 404(c)(5) of the Employee Retirement Income Security Act of 1974, and".

Subsec. (w)(5)(D), (E). Pub. L. 110–458, §109(b)(5), added subpars. (D) and (E).

Subsec. (w)(6). Pub. L. 110–458, §109(b)(6), inserted "or for purposes of applying the limitation under section 402(g)(1)" before period at end.

Subsec. (x)(1). Pub. L. 110–458, §109(c)(1), inserted at end "In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately."

§418E. Insolvent plans

AMENDMENTS

2014—Subsec. (c)(1). Pub. L. 113–235, §108(b)(2)(A), substituted "critical status, as described in subsection 432(b)(2)," for "reorganization".

Subsec. (c)(2). Pub. L. 113–235, §108(b)(2)(B), designated existing provisions as subpar. (A), struck out "(within the meaning of section 418(b)(6))" after "pay status", and added subpar. (B).

Subsec. (d). Pub. L. 113–235, §108(b)(2)(A), substituted "critical status, as described in subsection 432(b)(2)," for "reorganization" wherever appearing.

Subsec. (d)(1). Pub. L. 113–235, §108(b)(2)(C)(i), which directed amendment of par. (1) by striking out "(determined in accordance with section 418B(3)(B)(ii))", was executed by striking out "(determined in accordance with section 418B(b)(3)(B)(ii))" after "compare the value of plan assets" **to reflect the probable intent of Congress.**

Subsec. (d)(4). Pub. L. 113–235, §108(b)(2)(C)(ii), added par. (4).

Subsec. (e)(1). Pub. L. 113–235, §108(b)(2)(A), substituted "critical status, as described in subsection 432(b)(2)," for "reorganization".

Subsec. (e)(1)(A). Pub. L. 113–235, §108(b)(2)(D)(i), which directed substitution of "the parties described in section 101(f)(1) of the Employee Retirement Income Security Act of 1974" for "the corporation, the parties described in section 418A(a)(2), and the plan participants and beneficiaries", was executed by making the substitution for "the Pension Benefit Guaranty Corporation, the parties described in section 418A(a)(2), and the plan participants and beneficiaries" **to reflect the probable intent of Congress.**

Subsec. (e)(1)(B). Pub. L. 113–235, §108(b)(2)(D)(ii), substituted "section 101(f)(1) of the Employee Retirement Income Security Act of 1974" for "section 418A(a)(2) and the plan participants and beneficiaries".

Subsec. (e)(2). Pub. L. 113–235, §108(b)(2)(A), substituted "critical status, as described in subsection 432(b)(2)," for "reorganization".

Subsec. (h). Pub. L. 113–235, §108(b)(2)(E), added subsec. (h).

§420. Transfers of excess pension assets to retiree health accounts

AMENDMENTS

2012—Pub. L. 112–141, §40242(e)(1), substituted "qualified current retiree liabilities" for "qualified current retiree health liabilities" wherever appearing in subsecs. (b) to (d), (e)(1), and (f).

Subsec. (a). Pub. L. 112–141, §40242(a), inserted ", or an applicable life insurance account," after "health benefits account".

Subsec. (b)(1)(A). Pub. L. 112–141, §40242(g)(1), struck out "in a taxable year beginning after December 31, 1990" after "such plan".

Pub. L. 112–141, §40242(e)(2), inserted ", or an applicable life insurance account," after "a health benefits account".

Subsec. (b)(2). Pub. L. 112–141, §40242(g)(3), struck out "(A) In general" before "No more than" and struck out heading and text of subpar. (B). Prior to amendment, text read as follows: "A transfer described in paragraph (4) shall not be taken into account for purposes of subparagraph (A)."

Subsec. (b)(2)(A). Pub. L. 112–141, §40242(e)(3)(A), inserted at end "If there is a transfer from a defined benefit plan to both a health benefits account and an applicable life insurance account during any taxable year, such transfers shall be treated as 1 transfer for purposes of this paragraph."

Subsec. (b)(3). Pub. L. 112–141, §40242(e)(3)(B), inserted "to an account" after "may be transferred".

Subsec. (b)(4). Pub. L. 112–141, §40242(g)(2), redesignated par. (5) as (4) and struck out former par. (4) which related to a special rule for 1990.

Subsec. (b)(5). Pub. L. 112–141, §40242(g)(2), redesignated par. (5) as (4).

Pub. L. 112–141, §40241(a), substituted "December 31, 2021" for "December 31, 2013".

Subsec. (c)(1)(A). Pub. L. 112–141, §40242(e)(2), inserted ", or an applicable life insurance account," after "a health benefits account".

Subsec. (c)(1)(B). Pub. L. 112–141, §40242(e)(4), inserted "or life insurance" after "health benefits" in heading.

Subsec. (c)(1)(B)(i). Pub. L. 112–141, §40242(e)(2), inserted ", or an applicable life insurance account," after "a health benefits account".

Subsec. (c)(1)(C). Pub. L. 112–141, §40242(e)(2), inserted ", or an applicable life insurance account," after "a health benefits account".

Subsec. (c)(2). Pub. L. 112–141, §40242(g)(4), struck out "(A) In general" before "The requirements of", realigned margins, and struck out heading and text of subpar. (B). Prior to amendment, text read as follows: "In the case of a qualified transfer described in subsection (b)(4), the requirements of this paragraph are met with respect to any participant who separated from service during the taxable year to which such transfer relates by recomputing such participant's benefits as if subparagraph (A) had applied immediately before such separation."

Subsec. (c)(3)(A). Pub. L. 112–141, §40242(c)(1), inserted ", and each group-term life insurance plan under which applicable life insurance benefits are provided," after "health benefits are provided".

Subsec. (c)(3)(B)(i). Pub. L. 112–141, §40242(c)(2)(A)(i), redesignated subcls. (I) and (II) as (II) and (III), respectively, and added subcl. (I).

Subsec. (c)(3)(B)(ii). Pub. L. 112–141, §40242(c)(2)(A)(ii), substituted "was provided during such taxable year for the benefits with respect to which the determination under clause (i) is made." for "for applicable health benefits was provided during such taxable year."

Subsec. (c)(3)(C). Pub. L. 112–141, §40242(c)(2)(B), inserted "for applicable health benefits" after "applied separately" and ", and separately for applicable life insurance benefits with respect to individuals age 65 or older at any time during the taxable year and with respect to individuals under age 65 during the taxable year" before the period at end.

Subsec. (c)(3)(E)(i). Pub. L. 112–141, §40242(c)(2)(C)(i), inserted "or retiree life insurance coverage, as the case may be," after "retiree health coverage".

Subsec. (c)(3)(E)(ii). Pub. L. 112–141, §40242(c)(2)(C)(ii), inserted "for retiree health coverage" after "cost reductions" in heading.

Subsec. (c)(3)(E)(ii)(II). Pub. L. 112–141, §40242(c)(2)(C)(iii), inserted "with respect to applicable health benefits" after "liabilities of the employer".

Subsec. (d)(1)(A). Pub. L. 112–141, §40242(e)(2), inserted ", or an applicable life insurance account," after "a health benefits account".

Subsec. (d)(2). Pub. L. 112–141, §40242(g)(5), struck out "after December 31, 1990" after "may not contribute".

Subsec. (e)(1). Pub. L. 112–141, §40242(e)(5)(B), struck out "health" after "Qualified current retiree" in the heading.

Subsec. (e)(1)(A). Pub. L. 112–141, §40242(e)(5)(A), inserted "and applicable life insurance benefits" after "applicable health benefits".

Subsec. (e)(1)(B). Pub. L. 112–141, §40242(e)(6)(A), inserted "(determined separately for applicable health benefits and applicable life insurance benefits)" after "shall be reduced by the amount" in introductory provisions.

Subsec. (e)(1)(B)(i). Pub. L. 112–141, §40242(e)(6)(C), substituted "qualified current retiree liability" for "qualified current retiree health liability".

Pub. L. 112–141, §40242(e)(6)(B), which directed the insertion of "or applicable life insurance accounts" after "health benefit accounts", was executed by making the insertion after "health benefits accounts" **to reflect the probable intent of Congress**.

Subsec. (e)(1)(C)(i). Pub. L. 112–141, §40242(b)(3)(B)(i), substituted "by reason of retirement" for "upon retirement".

Subsec. (e)(1)(D), (E). Pub. L. 112–141, §40242(b)(2), added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (e)(4) to (6). Pub. L. 112–141, §40242(b)(1), added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

Subsec. (f). Pub. L. 112–141, §40242(e)(7), struck out "health" after "retiree" in two places in the heading.

Subsec. (f)(2)(B)(ii)(II). Pub. L. 112–141, §40242(e)(8), inserted "or applicable life insurance account, as the case may be," after "health benefits account".

Subsec. (f)(2)(C)(ii). Pub. L. 112–141, §40242(c)(2)(D), substituted "collectively bargained retiree liabilities" for "collectively bargained retiree health liabilities".

Subsec. (f)(2)(D)(i)(I). Pub. L. 112–141, §40242(c)(2)(E)(i), (ii), inserted ", and each group-term life insurance plan or arrangement under which applicable life insurance benefits are provided," after "applicable health benefits are provided" and "or applicable life insurance benefits, as the case may be," after "provides applicable health benefits".

Subsec. (f)(2)(D)(i)(II). Pub. L. 112–141, §40242(c)(2)(E)(iii), (iv), struck out "group health" after "each collectively bargained" and inserted "or collectively bargained life insurance benefits" after "collectively bargained health benefits".

Subsec. (f)(2)(D)(ii). Pub. L. 112–141, §40242(c)(2)(F), inserted "with respect to applicable health benefits or applicable life insurance benefits" after "requirements of subsection (c)(3)" and inserted at end "Such election may be made separately with respect to applicable health benefits and applicable life insurance benefits. In the case of an election with respect to applicable life insurance benefits, the first sentence of this clause shall be applied as if subsection (c)(3) as in effect before the amendments made by such Act applied to such benefits."

Subsec. (f)(2)(D)(iii). Pub. L. 112–141, §40242(c)(2)(G), struck out "retiree" before "health benefits" in two places and inserted ", collectively bargained life insurance benefits, or both, as the case may be," after "health benefits" in two places.

Subsec. (f)(2)(E)(i)(III). Pub. L. 112–141, §40242(e)(9), inserted "defined benefit" before "plan maintained by an employer" and "health" before "benefit plans maintained by the employer".

Subsec. (f)(2)(E)(ii). Pub. L. 112–141, §40242(e)(2), inserted ", or an applicable life insurance account," after "a health benefits account".

Pub. L. 112–141, §40242(c)(2)(D), substituted "collectively bargained retiree liabilities" for "collectively bargained retiree health liabilities".

Subsec. (f)(4). Pub. L. 112–141, §40242(e)(10), substituted "collectively bargained retiree liabilities" for "collectively bargained retiree health liabilities" in two places.

Subsec. (f)(6)(A)(i). Pub. L. 112–141, §40242(e)(11)(A), inserted ", in the case of a transfer to a health benefits account," before "his covered spouse and dependents".

Subsec. (f)(6)(A)(ii). Pub. L. 112–141, §40242(e)(11), inserted ", in the case of a transfer to a health benefits account," before "his covered spouse and dependents" and substituted "plan" for "health plan".

Subsec. (f)(6)(B). Pub. L. 112–141, §40242(e)(12)(C), struck out "health" after "retiree" in the heading.

Pub. L. 112–141, §40242(e)(10), substituted "collectively bargained retiree liabilities" for "collectively bargained retiree health liabilities" wherever appearing.

Subsec. (f)(6)(B)(i). Pub. L. 112–141, §40242(e)(12)(A), inserted ", and collectively bargained life insurance benefits," after "collectively bargained health benefits".

Subsec. (f)(6)(B)(ii). Pub. L. 112–141, §40242(e)(12)(B)(ii), which directed the insertion of ", applicable life insurance accounts," after "health benefit accounts", was executed by making the insertion after "health benefits accounts" **to reflect the probable intent of Congress**.

Pub. L. 112–141, §40242(e)(12)(B)(i), inserted at end "The preceding sentence shall be applied separately

for collectively bargained health benefits and collectively bargained life insurance benefits."

Subsec. (f)(6)(B)(iii). Pub. L. 112–141, §40242(f), substituted "416(i)(1)" for "416(I)(1)".

Subsec. (f)(6)(C). Pub. L. 112–141, §40242(b)(3)(B)(ii)(I), struck out "which are provided to" after "coverage" in introductory provisions.

Subsec. (f)(6)(C)(i). Pub. L. 112–141, §40242(b)(3)(B)(ii)(II), (III), inserted "which are provided to" before "retired employees" and substituted "by reason of retirement" for "upon retirement".

Subsec. (f)(6)(C)(ii). Pub. L. 112–141, §40242(b)(3)(B)(ii)(IV), substituted "which will be provided at retirement to employees who are not retired employees at the time of the transfer and who" for "active employees who, following their retirement,".

Subsec. (f)(6)(D). Pub. L. 112–141, §40242(b)(3)(A), added subpar. (D). Former subpar. (D) redesignated (E).

Subsec. (f)(6)(E). Pub. L. 112–141, §40242(e)(13), struck out "health" after "bargained" in heading, substituted "bargained" for "bargained health", and inserted ", or a group-term life insurance plan or arrangement for retired employees," after "dependents".

Pub. L. 112–141, §40242(b)(3)(A), redesignated subpar. (D) as (E).

Subsec. (g). Pub. L. 112–141, §40211(a)(2)(D), added subsec. (g).

§418E. Insolvent plans

AMENDMENTS

2014—Subsec. (a)(3). Pub. L. 113–235, §201(b)(1), added par. (3).

Subsec. (b)(1). Pub. L. 113–235, §104(b)(1)(A), substituted "the plan is not in critical status for the plan year and is not described in paragraph (5)," for "the plan is not in critical status for the plan year".

Subsec. (b)(3)(A)(i). Pub. L. 113–235, §201(b)(3), substituted ", whether" for "and whether" and inserted ", and whether or not the plan is or will be in critical and declining status for such plan year" before ", and" at end.

Pub. L. 113–235, §104(b)(3), which directed insertion of ", or would be in endangered status for such plan year but for paragraph (5)," after "endangered status for a plan year", was executed by making the insertion after "endangered status for such plan year" **to reflect the probable intent of Congress**.

Pub. L. 113–235, §102(b)(2)(A), substituted "or for any of the succeeding 5 plan years, and" for ", and" at end.

Subsec. (b)(3)(B)(i). Pub. L. 113–235, §102(b)(2)(B)(i), substituted "Except as provided in clause (iv), in making the determinations" for "In making the determinations".

Subsec. (b)(3)(B)(iv). Pub. L. 113–235, §201(b)(4), added cl. (iv) relating to projections of critical and declining status.

Pub. L. 113–235, §102(b)(2)(B)(ii), added cl. (iv) relating to projections relating to critical status in succeeding plan years.

Subsec. (b)(3)(D)(i). Pub. L. 113–235, §102(b)(3)(A)(ii), inserted at end "In any case in which a plan sponsor elects to be in critical status for a plan year under paragraph (4), the plan sponsor shall notify the Secretary of the Treasury of such election not later than 30 days after the date of such certification or such other time as the Secretary of the Treasury may prescribe by regulations or other guidance."

Pub. L. 113–235, §102(b)(3)(A)(i), inserted "or in which a plan sponsor elects to be in critical status for a plan year under paragraph (4)" after "endangered or critical status for a plan year".

Subsec. (b)(3)(D)(iii). Pub. L. 113–235, §104(b)(2)(B), added cl. (iii). Former cl. (iii) redesignated (iv).

Subsec. (b)(3)(D)(iv). Pub. L. 113–235, §104(b)(2)(A), (C), redesignated cl. (iii) as (iv) and substituted "clauses (ii) and (iii)" for "clause (ii)".

Pub. L. 113–235, §102(b)(3)(B), added cl. (iv).

Subsec. (b)(3)(D)(v). Pub. L. 113–235, §104(b)(2)(A), redesignated cl. (iv) as (v).

Subsec. (b)(4). Pub. L. 113–235, §102(b)(1), added par. (4).

Subsec. (b)(5). Pub. L. 113–235, §104(b)(1)(B), added par. (5).

Subsec. (b)(6). Pub. L. 113–235, §201(b)(2), added par. (6).

Subsec. (c)(3)(A)(i)(I). Pub. L. 113–235, §105(b)(1), substituted "of the first plan year for which the plan is certified to be in endangered status pursuant to paragraph (b)(3)" for "of such period".

Subsec. (c)(3)(A)(ii). Pub. L. 113–235, §105(b)(2), substituted "the last plan year" for "any plan year".

Subsec. (c)(7). Pub. L. 113–235, §107(b)(1), amended par. (7) generally. Prior to amendment, par. (7) related to imposition of default schedule where failure to adopt funding improvement plan.

Subsec. (d). Pub. L. 113–235, §106(b), amended subsec. (d) generally. Prior to amendment, subsec. (d)

related to rules for operation of plan during adoption and improvement periods.

Subsec. (e)(3)(C). Pub. L. 113–235, §107(b)(2), amended subpar. (C) generally. Prior to amendment, subpar. (C) related to imposition of default schedule where failure to adopt rehabilitation plan.

Subsec. (e)(4)(B). Pub. L. 113–235, §103(b), amended subpar. (B) generally. Prior to amendment, subpar. (B) related to emergence of a plan from critical status.

Subsec. (e)(9). Pub. L. 113–235, §201(b)(5), added par. (9).

Pub. L. 113–235, §109(b)(1), struck out par. (9) which related to adjustments disregarded in withdrawal liability determination.

Subsec. (f)(3). Pub. L. 113–235, §109(b)(2)(B), which directed amendment of par. (4) as redesignated by section 109(b)(2)(A) of Pub. L. 113–235 by substituting "During the period beginning on the date of the certification under subsection (b)(3)(A) for the initial critical year and ending on the date of the adoption of a rehabilitation plan—" for "During the rehabilitation plan adoption period—", was executed by making the substitution in par. (3) as redesignated, **to reflect the probable intent of Congress**. See below.

Pub. L. 113–235, §109(b)(2)(A), redesignated par. (4) as (3) and struck out former par. (3). Prior to amendment, text of par. (3) read as follows "Any benefit reductions under this subsection shall be disregarded in determining a plan's unfunded vested benefits for purposes of determining an employer's withdrawal liability under section 4201 of the Employee Retirement Income Security Act of 1974."

Subsec. (f)(4). Pub. L. 113–235, §109(b)(2)(A), redesignated par. (4) as (3).

Subsec. (g). Pub. L. 113–235, §109(b)(4), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (g)(1). Pub. L. 113–235, §201(b)(6), inserted ", or benefit reductions or suspensions while in critical and declining status under subsection (e)(9)), unless the withdrawal occurs more than ten years after the effective date of a benefit suspension by a plan in critical and declining status," after "benefit reductions under subsection (e)(8) or (f)".

Subsecs. (h) to (j). Pub. L. 113–235, §109(b)(3), redesignated subsecs. (g) to (i) as (h) to (j), respectively.

2008—Subsec. (b)(3)(C). Pub. L. 110–458, §102(b)(2)(A), substituted "section 101(b)(1)" for "section 101(b)(4)".

Subsec. (b)(3)(D)(iii). Pub. L. 110–458, §102(b)(2)(B), substituted "The Secretary, in consultation with the Secretary of Labor" for "The Secretary of Labor".

Subsec. (c)(3)(A)(ii). Pub. L. 110–458, §102(b)(2)(C)(i), substituted "section 431(d)" for "section 304(d)".

Subsec. (c)(7)(A)(ii). Pub. L. 110–458, §102(b)(2)(C)(ii)(I), substituted "to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor," for "to agree on changes to contribution or benefit schedules necessary to meet the applicable benchmarks in accordance with the funding improvement plan,".

Subsec. (c)(7)(B). Pub. L. 110–458, §102(b)(2)(C)(ii)(II), added subpar. (B), and struck out former subpar. (B). Prior to amendment, text read as follows: "The date specified in this subparagraph is the earlier of the date—

"(i) on which the Secretary of Labor certifies that the parties are at an impasse, or

"(ii) which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires."

Subsec. (e)(3)(C)(i)(II). Pub. L. 110–458, §102(b)(2)(D)(i)(I), substituted "to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i)," for "contribution or benefit schedules with terms consistent with the rehabilitation plan and the schedule from the plan sponsor under paragraph (1)(B)(i),".

Subsec. (e)(3)(C)(ii). Pub. L. 110–458, §102(b)(2)(D)(i)(II), added cl. (ii) and struck out former cl. (ii). Prior to amendment, text read as follows: "The date specified in this clause is the earlier of the date—

"(I) on which the Secretary of Labor certifies that the parties are at an impasse, or

"(II) which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires."

Subsec. (e)(4)(A)(ii). Pub. L. 110–458, §102(b)(2)(D)(ii)(I), struck out "the date of" after "in effect on".

Subsec. (e)(4)(B). Pub. L. 110–458, §102(b)(2)(D)(ii)(II), substituted "but taking" for "and taking".

Subsec. (e)(6). Pub. L. 110–458, §102(b)(2)(D)(iii), substituted "the last sentence of paragraph (1)" for "paragraph (1)(B)(i)" in introductory provisions and "establish" for "established" in concluding provisions.

Subsec. (e)(8)(A)(i). Pub. L. 110–458, §102(b)(2)(D)(iv)(I), substituted "section 411(d)(6)" for "section 204(g)".

Subsec. (e)(8)(C)(i)(II). Pub. L. 110–458, §102(b)(2)(D)(iv)(II), inserted "of the Employee Retirement Income Security Act of 1974" after "section 4212(a)".

Subsec. (e)(8)(C)(iii). Pub. L. 110–458, §102(b)(2)(D)(iv)(IV), which directed substitution of "the Secretary" for "the Secretary of Labor" in last sentence, was executed by making the substitution for "The

Secretary of Labor", **to reflect the probable intent of Congress**.

Subsec. (e)(8)(C)(iii)(I). Pub. L. 110-458, §102(b)(2)(D)(iv)(III), substituted "the Secretary, in consultation with the Secretary of Labor" for "the Secretary of Labor".

Subsec. (e)(9)(B). Pub. L. 110-458, §102(b)(2)(D)(v), substituted "the allocation of unfunded vested benefits to an employer" for "an employer's withdrawal liability".

Subsec. (f)(2)(A)(i). Pub. L. 110-458, §102(b)(2)(E), substituted "section 411(a)(9)" for "411(b)(1)(A)" and inserted at end "to a participant or beneficiary whose annuity starting date (as defined in section 417(f)(2)) occurs after the date such notice is sent,".

Subsec. (g). Pub. L. 110-458, §102(b)(2)(F), inserted "under subsection (c)" after "for adoption of a funding improvement plan".

Subsec. (i)(3). Pub. L. 110-458, §102(b)(2)(G)(i), substituted "section 431(a)" for "section 412(a)".

Subsec. (i)(9). Pub. L. 110-458, §102(b)(2)(G)(ii), added par. (9) and struck out former par. (9). Prior to amendment, text read as follows: "In the case of a plan described under section 404(c), or a continuation of such a plan, the term 'plan sponsor' means the bargaining parties described under paragraph (1)."

§460. Special rules for long-term contracts

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-239, §7621(a), substituted "Requirement that percentage of completion method be used" for "Percentage of completion-capitalized cost method" in heading and amended text generally. Prior to amendment, text read as follows:

"(1) IN GENERAL.—In the case of any long-term contract—

"(A) 90 percent of the items with respect to such contract shall be taken into account under the percentage of completion method (as modified by subsection (b)), and

"(B) 10 percent of the items with respect to such contract shall be taken into account under the taxpayer's normal method of accounting.

"(2) 90 PERCENT LOOK-BACK METHOD TO APPLY.—Upon completion of any long-term contract (or, with respect to any amount properly taken into account after completion of the contract, when such amount is so properly taken into account), the taxpayer shall pay (or shall be entitled to receive) interest determined by applying the look-back method of subsection (b)(3) to 90 percent of the items with respect to the contract."

Subsec. (a)(2). Pub. L. 101-239, §7811(e)(1), inserted "(or, with respect to any amount properly taken into account after completion of the contract, when such amount is so properly taken into account)" after "any long-term contract".

Subsec. (b)(1). Pub. L. 101-239, §7621(c)(2)(A), substituted "paragraph (3)" for "paragraph (4)".

Pub. L. 101-239, §7621(c)(2)(B), which directed the amendment of par. (1) by substituting "paragraph (2)" for "paragraph (3)", was executed by making the substitution in subpar. (B) and concluding provisions **to reflect the probable intent of Congress**.

Pub. L. 101-239, §7621(c)(1), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: "SUBSECTION (a) NOT TO APPLY WHERE PERCENTAGE OF COMPLETION METHOD USED.—Subsection (a) shall not apply to any long-term contract with respect to which amounts includible in gross income are determined under the percentage of completion method."

Subsec. (b)(2). Pub. L. 101-239, §7621(c)(1), redesignated par. (3) as (2). Former par. (2) redesignated (1).

Pub. L. 101-239, §7811(e)(4), (6), inserted two sentences at end.

Subsec. (b)(2)(B). Pub. L. 101-239, §7811(e)(2), substituted "any amount properly taken into account" for "any amount received or accrued" and "is so properly taken into account" for "is so received or accrued".

Subsec. (b)(3). Pub. L. 101-239, §7621(c)(1), redesignated par. (4) as (3). Former par. (3) redesignated (2).

Pub. L. 101-239, §7811(e)(3), in concluding provisions, substituted "any amount properly taken into account" for "any amount received or accrued" and "such amount was properly taken into account" for "such amount was received or accrued".

Subsec. (b)(3)(B). Pub. L. 101-239, §7621(c)(3), substituted "Paragraph (1)(B)" for "Paragraph (2)(B) and subsection (a)(2)" in introductory provisions.

Subsec. (b)(4). Pub. L. 101-239, §7621(c)(1), redesignated par. (5) as (4). Former par. (4) redesignated (3).

Subsec. (b)(4)(A)(i). Pub. L. 101-239, §7621(c)(4)(A), substituted "paragraph (2)" for "paragraph (3)".

Subsec. (b)(4)(A)(ii). Pub. L. 101-239, §7621(c)(4)(B), substituted "paragraph (2)(B)" for "paragraph

(3)(B)" in introductory provisions.

Subsec. (b)(4)(A)(ii)(I). Pub. L. 101-239, §7621(c)(4)(C), substituted "paragraph (2)(A)" for "paragraph (3)(A)".

Subsec. (b)(4)(A)(iii). Pub. L. 101-239, §7621(c)(4)(A), substituted "paragraph (2)" for "paragraph (3)" in two places.

Subsec. (b)(5). Pub. L. 101-239, §7621(b), added par. (5).

Pub. L. 101-239, §7621(c)(1), redesignated former par. (5) as (4).

Subsec. (e)(2)(C). Pub. L. 101-239, §7811(e)(5), added subpar. (C).

Subsec. (e)(5). Pub. L. 101-239, §7621(c)(5), inserted introductory provisions and struck out former introductory provisions which read as follows: "In the case of any residential construction contract which is not a home construction contract, subsection (a) shall be applied—".

Subsec. (e)(6)(A). Pub. L. 101-239, §7815(e)(1)(A), substituted "activities referred to in paragraph (4) with respect to" for "the building, construction, reconstruction, or rehabilitation of".

Subsec. (e)(6)(A)(i). Pub. L. 101-239, §7815(e)(1)(B), added cl. (i) and struck out former cl. (i) which read as follows: "dwelling units contained in buildings containing 4 or fewer dwelling units, and".

§501. Exemption from tax on corporations, certain trusts, etc.

AMENDMENTS

2006—Subsec. (c)(21)(C). Pub. L. 109-280, §862(a), amended introductory provisions and cls. (i) and (ii) generally. Prior to amendment, introductory provisions and cls. (i) and (ii) read as follows: "Payments described in subparagraph (A)(i)(IV) may be made from such trust during a taxable year only to the extent that the aggregate amount of such payments during such taxable year does not exceed the lesser of—

"(i) the excess (if any) (as of the close of the preceding taxable year) of—

"(I) the fair market value of the assets of the trust, over

"(II) 110 percent of the present value of the liability described in subparagraph (A)(i)(I) of such person, or

"(ii) the excess (if any) of—

"(I) the sum of a similar excess determined as of the close of the last taxable year ending before the date of the enactment of this subparagraph plus earnings thereon as of the close of the taxable year preceding the taxable year involved, over

"(II) the aggregate payments described in subparagraph (A)(i)(IV) made from the trust during all taxable years beginning after the date of the enactment of this subparagraph."

Subsecs. (q), (r). Pub. L. 109-280, §1220(a), which directed the amendment of section 501 by adding subsec. (q) and redesignating former subsec. (q) as (r), without specifying the act to be amended, was executed by making the amendments to this section, which is section 501 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§503. Requirements for exemption

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-295, §221(a)(63)(A), amended par. (1) generally. Prior to amendment, text read as follows:

"(A) An organization described in section 501(c)(17) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after December 31, 1959.

"(B) An organization described in section 401(a) which is referred to in section 4975(g) (2) or (3) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after March 1, 1954.

"(C) An organization described in section 501(c)(18) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after December 31, 1969."

Subsec. (a)(2). Pub. L. 113-295, §221(a)(63)(B), which directed amendment of par. (2) by substituting "described in paragraph (1)" for "described in section 501(c)(17) or (18) or paragraph (a)(1)(B)", was executed by making the substitution for "described in section 501(c) (17) or (18) or paragraph (1)(B)" **to reflect the probable intent of Congress.**

Subsec. (c). Pub. L. 113-295, §221(a)(63)(C), which directed amendment of subsec. (c) by substituting "described in subsection (a)(1)" for "described in section 501(c)(17) or (18) or subsection (a)(1)(B)", was executed by making the substitution for "described in section 501(c) (17) or (18) or subsection (a)(1)(B)" **to reflect the probable intent of Congress.**

§508. Special rules with respect to section 501(c)(3) organizations

AMENDMENTS

2006—Subsec. (f). Pub. L. 109–280, which directed the addition of subsec. (f) to section 508, without specifying the act to be amended, was executed by making the addition to this section, which is section 508 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§509. Private foundation defined

CODIFICATION

Sections 1221(a)(2) and 1241(a), (b) of Pub. L. 109–280, which directed the amendment of section 509 without specifying the act to be amended, were executed to this section, which is section 509 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.** See 2006 Amendment notes below.

§512. Unrelated business taxable income

AMENDMENTS

2006—Subsec. (b)(13)(E), (F). Pub. L. 109–280, which directed the amendment of section 512(b)(13) by adding subpar. (E) and redesignating former subpar. (E) as (F), without specifying the act to be amended, was executed by making the amendments to this section, which is section 512 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§513. Unrelated trade or business

AMENDMENTS

2006—Subsec. (j). Pub. L. 109–280, which directed the addition of subsec. (j) to section 513, without specifying the act to be amended, was executed by making the addition to this section, which is section 513 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§527. Political organizations

AMENDMENTS

2002—Subsec. (e)(5). Pub. L. 107–276, §2(b), added par. (5).

Subsec. (i)(1)(A). Pub. L. 107–276, §6(c), substituted "electronically" for ", electronically and in writing."

Subsec. (i)(1)(B). Pub. L. 107–276, §6(g)(1), which directed the insertion of "or, in the case of any material change in the information required under paragraph (3), for the period beginning on the date on which the material change occurs and ending on the date on which such notice is given" after "given", was executed by making the insertion after "given" the second time appearing, **to reflect the probable intent of Congress.**

Subsec. (i)(2). Pub. L. 107–276, §6(g)(2), inserted "or, in the case of any material change in the information required under paragraph (3), not later than 30 days after such material change" after "established".

Subsec. (i)(3)(E), (F). Pub. L. 107–276, §6(f), added subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (i)(4). Pub. L. 107–276, §6(g)(3), which directed the insertion of "or, in the case of a failure relating to a material change, by taking into account such income and deductions only during the period beginning on the date on which the material change occurs and ending on the date on which notice is given under this subsection" before period at end, was executed by making the insertion before period at end of first sentence, **to reflect the probable intent of Congress.**

Pub. L. 107–276, §6(a), inserted at end "For purposes of the preceding sentence, the term 'exempt function income' means any amount described in a subparagraph of subsection (c)(3), whether or not segregated for use for an exempt function."

Subsec. (i)(5)(C). Pub. L. 107–276, §1(a), added subpar. (C).

Subsec. (j)(1). Pub. L. 107–276, §6(b), inserted at end "For purposes of subtitle F, the amount imposed by this paragraph shall be assessed and collected in the same manner as penalties imposed by section 6652(c)."

Subsec. (j)(3)(A). Pub. L. 107–276, §6(e)(1)(A), inserted ", date, and purpose" after "The amount".

Subsec. (j)(3)(B). Pub. L. 107–276, §6(e)(1)(B), inserted "and date" after "the amount".

Subsec. (j)(5)(C) to (F). Pub. L. 107-276, §2(a), added subpar. (C) and redesignated former subpars. (C) to (E) as (D) to (F), respectively.

Subsec. (j)(7). Pub. L. 107-276, §6(e)(2), added par. (7).

Subsec. (k). Pub. L. 107-276, §6(e)(3), added subsec. (k). Former subsec. (k) redesignated (l).

Pub. L. 107-276, §5(a), added subsec. (k).

Subsec. (l). Pub. L. 107-276, §6(e)(3), redesignated subsec. (k) as (l).

§528. Certain homeowners associations

AMENDMENTS

1997—Subsec. (b). Pub. L. 105-34, §966(d), which directed amendment of subsec. (b) by inserting before the period "(32 percent of such income in the case of a timeshare association)", was executed by making the insertion before the period at end **to reflect the probable intent of Congress**.

Subsec. (c)(1). Pub. L. 105-34, §966(a)(1)(A), substituted ", a residential real estate management association, or a timeshare association" for "or a residential real estate management association" in introductory provisions.

Subsec. (c)(1)(B)(iii). Pub. L. 105-34, §966(a)(1)(B), added cl. (iii).

Subsec. (c)(1)(C). Pub. L. 105-34, §966(a)(1)(C), inserted before comma at end "and, in the case of a timeshare association, for activities provided to or on behalf of members of the association".

Subsec. (c)(4). Pub. L. 105-34, §966(a)(2), added par. (4). Former par. (4) redesignated (5).

Subsec. (c)(5). Pub. L. 105-34, §966(c), inserted concluding provisions "In the case of a timeshare association, such term includes property in which the timeshare association, or members of the association, have rights arising out of recorded easements, covenants, or other recorded instruments to use property related to the timeshare project."

Pub. L. 105-34, §966(a)(2), redesignated par. (4) as (5).

Subsec. (d)(3)(C). Pub. L. 105-34, §966(b), added subpar. (C).

§529. Qualified tuition programs

AMENDMENTS

2006—Subsec. (f). Pub. L. 109-280, which directed the addition of subsec. (f) to section 529, without specifying the act to be amended, was executed by making the addition to this section, which is section 529 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**.

§545. Undistributed personal holding company income

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-280, which directed the substitution of "(D), and (E)" for "and (D)" in section 545(b)(2), without specifying the act to be amended, was executed by making the substitution in subsec. (b)(2) of this section, which is section 545 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**.

§613. Percentage depletion

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-357, which directed the insertion of "and without the deduction under section 199" after "without allowances for depletion", was executed by making the insertion after "without allowance for depletion", **to reflect the probable intent of Congress**.

§614. Definition of property

AMENDMENTS

2014—Subsec. (b)(3)(C). Pub. L. 113–295, §221(a)(65)(A), struck out subpar. (C) which related to a special rule for voluntary or compulsory unitization or pooling arrangements entered into in taxable years beginning before Jan. 1, 1964.

Subsec. (b)(4)(A). Pub. L. 113–295, §221(a)(65)(B), which directed amendment of par. (4) by striking out "whichever of the following years is later: The first taxable year beginning after December 31, 1963, or", was executed by striking out "whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1963, or" before "the first taxable year" in subpar. (A), **to reflect the probable intent of Congress**.

Subsec. (b)(5). Pub. L. 113–295, §221(a)(65)(A), struck out par. (5). Text read as follows: "If, on the day preceding the first day of the first taxable year beginning after December 31, 1963, the taxpayer has any operating mineral interests which he treats under subsection (d) of this section (as in effect before the amendments made by the Revenue Act of 1964), such treatment shall be continued and shall be deemed to have been adopted pursuant to paragraphs (1) and (2) of this subsection (as amended by such Act)."

§664. Charitable remainder trusts

AMENDMENTS

1997—Subsec. (d)(1)(A). Pub. L. 105–34, §1089(a)(1), inserted "nor more than 50 percent" after "not less than 5 percent".

Subsec. (d)(1)(B). Pub. L. 105–34, §1530(c)(5), inserted "and other than qualified gratuitous transfers described in subparagraph (C)" after "subparagraph (A)".

Pub. L. 105–34, §1089(b)(1), struck out "and" at end.

Subsec. (d)(1)(C). Pub. L. 105–34, §1530(a), which directed amendment of subpar. (C) by striking period at end and inserting "or, to the extent the remainder interest is in qualified employer securities (as defined in subsection (g)(4)), all or part of such securities are to be transferred to an employee stock ownership plan (as defined in section 4975(e)(7)) in a qualified gratuitous transfer (as defined by subsection (g)).", was executed by making the insertion after "for such a use" **to reflect the probable intent of Congress**. Subpar. (C) did not contain a period after amendment by Pub. L. 105–34, §1089(b)(1). See below.

Pub. L. 105–34, §1089(b)(1), struck out period after "for such a use".

Subsec. (d)(1)(D). Pub. L. 105–34, §1089(b)(1), added subpar. (D).

Subsec. (d)(2)(A). Pub. L. 105–34, §1089(a)(1), inserted "nor more than 50 percent" after "not less than 5 percent".

Subsec. (d)(2)(B). Pub. L. 105–34, §1530(c)(5), inserted "and other than qualified gratuitous transfers described in subparagraph (C)" after "subparagraph (A)".

Pub. L. 105–34, §1089(b)(2), struck out "and" at end.

Subsec. (d)(2)(C). Pub. L. 105–34, §1530(a), which directed amendment of subpar. (C) by striking period at end and inserting "or, to the extent the remainder interest is in qualified employer securities (as defined in subsection (g)(4)), all or part of such securities are to be transferred to an employee stock ownership plan (as defined in section 4975(e)(7)) in a qualified gratuitous transfer (as defined by subsection (g)).", was executed by making the insertion after "for such a use" **to reflect the probable intent of Congress**. Subpar. (C) did not contain a period after amendment by Pub. L. 105–34, §1089(b)(2). See below.

Pub. L. 105–34, §1089(b)(2), struck out period after "for such a use".

Subsec. (d)(2)(D). Pub. L. 105–34, §1089(b)(2), added subpar. (D).

Subsec. (d)(4). Pub. L. 105–34, §1089(b)(4), added par. (4).

Subsec. (g). Pub. L. 105–34, §1530(b), added subsec. (g).

§664. Charitable remainder trusts

AMENDMENTS

1997—Subsec. (d)(1)(A). Pub. L. 105–34, §1089(a)(1), inserted "nor more than 50 percent" after "not less than 5 percent".

Subsec. (d)(1)(B). Pub. L. 105–34, §1530(c)(5), inserted "and other than qualified gratuitous transfers described in subparagraph (C)" after "subparagraph (A)".

Pub. L. 105–34, §1089(b)(1), struck out "and" at end.

Subsec. (d)(1)(C). Pub. L. 105–34, §1530(a), which directed amendment of subpar. (C) by striking period at end and inserting "or, to the extent the remainder interest is in qualified employer securities (as defined in subsection (g)(4)), all or part of such securities are to be transferred to an employee stock ownership plan (as defined in section 4975(e)(7)) in a qualified gratuitous transfer (as defined by subsection (g)).", was executed by making the insertion after "for such a use" **to reflect the probable intent of Congress**. Subpar. (C) did not contain a period after amendment by Pub. L. 105–34, §1089(b)(1). See below.

Pub. L. 105–34, §1089(b)(1), struck out period after "for such a use".

Subsec. (d)(1)(D). Pub. L. 105–34, §1089(b)(1), added subpar. (D).

Subsec. (d)(2)(A). Pub. L. 105–34, §1089(a)(1), inserted "nor more than 50 percent" after "not less than 5 percent".

Subsec. (d)(2)(B). Pub. L. 105–34, §1530(c)(5), inserted "and other than qualified gratuitous transfers described in subparagraph (C)" after "subparagraph (A)".

Pub. L. 105–34, §1089(b)(2), struck out "and" at end.

Subsec. (d)(2)(C). Pub. L. 105–34, §1530(a), which directed amendment of subpar. (C) by striking period at end and inserting "or, to the extent the remainder interest is in qualified employer securities (as defined in subsection (g)(4)), all or part of such securities are to be transferred to an employee stock ownership plan (as defined in section 4975(e)(7)) in a qualified gratuitous transfer (as defined by subsection (g)).", was executed by making the insertion after "for such a use" **to reflect the probable intent of Congress**. Subpar. (C) did not contain a period after amendment by Pub. L. 105–34, §1089(b)(2). See below.

Pub. L. 105–34, §1089(b)(2), struck out period after "for such a use".

Subsec. (d)(2)(D). Pub. L. 105–34, §1089(b)(2), added subpar. (D).

Subsec. (d)(4). Pub. L. 105–34, §1089(b)(4), added par. (4).

Subsec. (g). Pub. L. 105–34, §1530(b), added subsec. (g).

§679. Foreign trusts having one or more United States beneficiaries

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–188, §1903(b), which directed that subsec. (a) of this section be amended by substituting "section 6048(a)(3)(B)(ii)" for "section 404(a)(4) or 404A", was executed to par. (1) by making the substitution for "section 404(a)(4) Or section 404A" **to reflect the probable intent of Congress**. See 1998 Amendment note above.

Subsec. (a)(2)(B). Pub. L. 104–188, §1903(a)(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "TRANSFERS WHERE GAIN IS RECOGNIZED TO TRANSFEROR.—To any sale or exchange of the property at its fair market value in a transaction in which all of the gain to the transferor is realized at the time of the transfer and is recognized either at such time or is returned as provided in section 453."

Subsec. (a)(3). Pub. L. 104–188, §1903(a)(2), added par. (3).

Subsec. (a)(4), (5). Pub. L. 104–188, §1903(c), added pars. (4) and (5).

Subsec. (c)(2)(A). Pub. L. 104–188, §1903(e), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "in the case of a foreign corporation, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of such corporation is owned (within the meaning of section 958(a)) or is considered to be owned (within the meaning of section 958(b)) by United States shareholders (as defined in section 951(b))."

Subsec. (c)(3). Pub. L. 104–188, §1903(d), added par. (3).

Subsec. (d). Pub. L. 104–188, §1903(f), added subsec. (d).

§692. Income taxes of members of Armed Forces, astronauts, and victims of certain terrorist attacks on death

AMENDMENTS

1984—Subsec. (c). Pub. L. 98–259 added subsec. (c).

Subsec. (c)(1). Pub. L. 98–369, §722(g)(2), which directed amendment of par. (1) of this section by substituting "as a result of wounds or injury which was incurred while the individual was a military or civilian employee of the United States and which was incurred" for "as a result of wounds or injury incurred" was executed to par. (1) of subsec. (c) **to reflect the probable intent of Congress**.

Subsec. (c)(2)(A). Pub. L. 98–369, §722(g)(3), inserted "which a preponderance of the evidence indicates was".

§805. General deductions

AMENDMENTS

1986—Subsec. (a)(4)(B). Pub. L. 99–514, §611(a)(5), substituted "80 percent" for "85 percent" in introductory provisions.

Subsec. (a)(4)(B)(i). Pub. L. 99–514, §1011(b)(4), struck out "the special life insurance company deduction and" before "the small life".

Subsec. (a)(4)(C) to (E). Pub. L. 99–514, §1821(p), added subpars. (C) and (D), redesignated former subpar. (D) as (E), and struck out former subpar. (C) which read as follows: "For purposes of subparagraph (A), the term '100 percent dividend' means any dividend if the percentage used for purposes of determining the deduction allowable under section 243 or 244 is 100 percent. Such term does not include any dividend to the extent it is a distribution out of tax-exempt interest or out of dividends which are not 100 percent dividends (determined with the application of this sentence)."

Subsec. (b)(2). Pub. L. 99–514, §805(c)(6), redesignated par. (3) as (2). Former par. (2), which provided that section 166(c) (relating to reserve for bad debts) shall not apply, was struck out.

Subsec. (b)(2)(A)(iii). Pub. L. 99–514, §1011(b)(4), which directed that subsec. (b)(3)(A)(iii) be amended by striking out "the special life insurance company deduction and" before "the small life", was executed to subsec. (b)(2)(A)(iii) **to reflect the probable intent of Congress** and the redesignation of subsec. (b)(3) as (b)(2) by Pub. L. 99–514, §805(c)(6).

Subsec. (b)(3) to (6). Pub. L. 99–514, §805(c)(6), redesignated pars. (3) to (6) as (2) to (5), respectively.

§810. Operations loss deduction

AMENDMENTS

2014—Subsec. (c)(2)(B). Pub. L. 113–295, which directed amendment of subpar. (B) by striking out "244 (relating to dividends on certain preferred stock of public utilities)," was amended by striking out "244 (relating to dividends received on certain preferred stock of public utilities)," after "received by corporations)," **to reflect the probable intent of Congress**.

§832. Insurance company taxable income

AMENDMENTS

1997—Subsec. (b)(5)(B)(iii). Pub. L. 105–34, which directed amendment of subpar. (B) by adding cl. (iii) at the end, was executed by adding cl. (iii) after cl. (ii) **to reflect the probable intent of Congress**.

§853. Foreign tax credit allowed to shareholders

AMENDMENTS

2010—Subsec. (c). Pub. L. 111–325, §301(c)(1)(B), substituted "Statements" for "Notice" in heading.

Pub. L. 111–325, §301(c)(1)(A), which directed amendment by substituting "so reported by the company in a written statement furnished to such shareholder" for "so designated by the company in a written notice mailed to its shareholders not later than 60 days after the close of the taxable year", was executed by making the substitution for "so designated by the company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year" in concluding provisions **to reflect the probable intent of Congress**.

Subsec. (d). Pub. L. 111–325, §301(c)(2), struck out "and notifying shareholders" after "election" in heading and "and the notice to shareholders required by subsection (c)" after "subsection (a)" in text.

§853A. Credits from tax credit bonds allowed to shareholders

AMENDMENTS

2010—Subsec. (c). Pub. L. 111–325, §301(d)(1), which directed substitution of "Statements" for "Notice" in heading and "so reported by the regulated investment company in a written statement furnished to such shareholder" for "so designated by the regulated investment company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year" in text, could not be executed to the text because the words "so reported by the regulated investment company in a written statement furnished to such shareholder" already appeared after the subsequent general amendment of subsec. (c) by Pub. L. 113–295 which was effective as if included in the provisions of the American Recovery and Reinvestment Tax Act of 2009 (Pub. L. 111–5, div. B, title I) to which it relates. However, the substitution was executed to the heading **to reflect the probable intent of Congress**. See 2014 Amendment note above and Effective Date of 2014 Amendment note below.

Subsec. (d). Pub. L. 111–325, §301(d)(2), struck out "and notifying shareholders" after "election" in heading and "and the notice to shareholders required by subsection (c)" after "subsection (a)" in text.

§856. Definition of real estate investment trust

AMENDMENTS

1997—Subsec. (a)(6). Pub. L. 105–34, §1251(b)(2), inserted "subject to the provisions of subsection (k)," before "which is not".

Subsec. (c)(3)(I). Pub. L. 105–34, §1255(a)(1), inserted "and" at end.

Subsec. (c)(4). Pub. L. 105–34, §1255(a)(2), (3), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: "less than 30 percent of its gross income is derived from the sale or other disposition of—

"(A) stock or securities held for less than 1 year;

"(B) property in a transaction which is a prohibited transaction; and

"(C) real property (including interests in real property and interests in mortgages on real property) held for less than 4 years other than—

"(i) property compulsorily or involuntarily converted within the meaning of section 1033, and

"(ii) property which is foreclosure property within the definition of section 856(e); and".

Subsec. (c)(5). Pub. L. 105–34, §1255(a)(3), redesignated par. (6) as (5). Former par. (5) redesignated (4).

Subsec. (c)(5)(G). Pub. L. 105–34, §1258, amended heading and text of subpar. (G) generally. Prior to amendment, text read as follows: "Except to the extent provided by regulations, any—

"(i) payment to a real estate investment trust under a bona fide interest rate swap or cap agreement entered into by the real estate investment trust to hedge any variable rate indebtedness of such trust incurred or to be incurred to acquire or carry real estate assets, and

"(ii) any gain from the sale or other disposition of such agreement, shall be treated as income qualifying under paragraph (2)."

Pub. L. 105–34, §1255(b)(1), struck out "and such agreement shall be treated as a security for purposes of paragraph (4)(A)" after "under paragraph (2)" in concluding provisions.

Subsec. (c)(6), (7). Pub. L. 105–34, §1255(a)(3), redesignated par. (7) as (6). Former par. (6) redesignated (5).

Subsec. (c)(8). Pub. L. 105–34, §1255(a)(2), struck out heading and text of par. (8). Text read as follows: "In the case of the taxable year in which a real estate investment trust is completely liquidated, there shall not be taken into account under paragraph (4) any gain from the sale, exchange, or distribution of any property after the adoption of the plan of complete liquidation."

Subsec. (d)(2). Pub. L. 105–34, §1252(a), added subpar. (C) and struck out former subpar. (C) and concluding provisions which read as follows:

"(C) any amount received or accrued, directly or indirectly, with respect to any real or personal property if the real estate investment trust furnishes or renders services to the tenants of such property, or manages or operates such property, other than through an independent contractor from whom the trust itself does not derive or receive any income.

Subparagraph (C) shall not apply with respect to any amount if such amount would be excluded from unrelated business taxable income under section 512(b)(3) if received by an organization described in section 511(a)(2)."

Subsec. (d)(5). Pub. L. 105–34, §1253, substituted "except that—" and subpars. (A) and (B) for "except that '10 percent' shall be substituted for '50 percent' in subparagraph (C) of section 318(a)(2) and 318(a)(3)."

Subsec. (d)(7). Pub. L. 105–34, §1252(b), added par. (7).

Subsec. (e)(2). Pub. L. 105–34, §1257(a)(1), which directed amendment of par. (2) by substituting "as of the close of the 3d taxable year following the taxable year in which the trust acquired such property" for "on the date which is 2 years after the date the trust acquired such property", was executed by making the substitution for "on the date which is 2 years after the date such trust acquired such property" **to reflect the probable intent of Congress.**

Subsec. (e)(3). Pub. L. 105–34, §1257(a)(2), substituted "grant one extension" for "grant one or more extensions" and "Any such extension shall not extend the grace period beyond the close of the 3d taxable year following the last taxable year in the period under paragraph (2)." for "Any such extension shall not extend the grace period beyond the date which is 6 years after the date such trust acquired such property."

Subsec. (e)(4). Pub. L. 105–34, §1257(c), inserted concluding provisions "For purposes of subparagraph (C), property shall not be treated as used in a trade or business by reason of any activities of the real estate investment trust with respect to such property to the extent that such activities would not result in amounts received or accrued, directly or indirectly, with respect to such property being treated as other than rents from real property."

Subsec. (e)(5). Pub. L. 105–34, §1257(b), substituted "A real estate investment trust may revoke any such election for a taxable year by filing the revocation (in the manner provided by the Secretary) on or before the due date (including any extension of time) for filing its return of tax under this chapter for the taxable year. If a trust revokes an election for any property, no election may be made by the trust under this paragraph with respect to the property for any subsequent taxable year." for "Any such election shall be irrevocable."

Subsec. (i)(2). Pub. L. 105–34, §1262, struck out "at all times during the period such corporation was in existence" after "real estate investment trust".

Subsec. (j)(4). Pub. L. 105–34, §1261(a), added par. (4). Former par. (4) redesignated (5).

Subsec. (j)(5). Pub. L. 105–34, §1261(a), redesignated par. (4) as (5).

Subsec. (j)(5)(A)(ii). Pub. L. 105–34, §1261(b), inserted before period at end "or appreciation in value as of any specified date".

Subsec. (k). Pub. L. 105–34, §1251(b)(1), added subsec. (k).

§861. Income from sources within the United States

AMENDMENTS

1987—Subsec. (a)(2). Pub. L. 100–203, §10221(d)(4)(B), inserted at end "In the case of any dividend from a 20-percent owned corporation (as defined in section 243(c)(2)), subparagraph (B) shall be applied by substituting '100/80th' for '100/70th'."

Subsec. (a)(2)(B). Pub. L. 100–203, §10221(d)(4)(A), which directed that subpar. (B) be amended by substituting "100/70th" for "100/85th", was executed by substituting "100/70th" for "100/85th" **to reflect the probable intent of Congress.**

§901. Taxes of foreign countries and of possessions of United States

AMENDMENTS

1997—Subsec. (k). Pub. L. 105–34, §1053(a), added subsec. (k). Former subsec. (k) redesignated (l).

Subsec. (l). Pub. L. 105–34, §1053(a), redesignated subsec. (k) as (l).

Subsec. (l)(4). Pub. L. 105–34, §1142(e)(4), which directed amendment of subsec. (k)(4) by substituting "foreign corporation or partnership" for "foreign corporation", was executed to subsec. (l)(4) **to reflect the probable intent of Congress** and the redesignation of subsec. (k) as (l) by Pub. L. 105–34, §1053(a). See above.

§904. Limitation on credit

AMENDMENTS

2004—Subsec. (c). Pub. L. 108–357, §417(a), struck out "in the second preceding taxable year," before "in the first preceding taxable year" and substituted "and in any of the first 10" for ", and in the first, second, third, fourth, or fifth".

Subsec. (d)(1). Pub. L. 108–357, §404(a), reenacted heading without change and amended text of par. (1) generally, substituting provisions relating to applicability of subsecs. (a), (b), and (c) and sections 902, 907, and 960 to passive category income and general category income, for provisions relating to applicability of subsecs. (a), (b), and (c) and sections 902, 907, and 960 to passive income, high withholding tax interest, financial services income, shipping income, certain dividends from a DISC or former DISC, taxable income attributable to foreign trade income, certain distributions from a FSC or a former FSC, and income other than income previously described.

Subsec. (d)(1)(E). Pub. L. 108–357, §403(b)(1), struck out subpar. (E) which read as follows: "in the case of a corporation, dividends from noncontrolled section 902 corporations out of earnings and profits accumulated in taxable years beginning before January 1, 2003,".

Subsec. (d)(2)(A). Pub. L. 108–357, §404(b), added subpar. (A). Former subpar. (A) redesignated (B).

Subsec. (d)(2)(A)(ii). Pub. L. 108–357, §413(c)(14), reenacted heading without change and amended text of cl. (ii) generally. Prior to amendment, text read as follows: "Except as provided in clause (iii), the term 'passive income' includes any amount includible in gross income under section 551 or, except as provided in subparagraph (E)(iii) or paragraph (3)(I), section 1293 (relating to certain passive foreign investment companies)."

Subsec. (d)(2)(B). Pub. L. 108–357, §404(b), redesignated subpar. (A) as (B) and struck out former subpar. (B), which defined the term "high withholding tax interest".

Subsec. (d)(2)(B)(iii). Pub. L. 108–357, §404(f)(1), redesignated subcls. (II) and (III) as (I) and (II), respectively, and struck out former subcl. (I) which read as follows: "any income described in a subparagraph of paragraph (1) other than subparagraph (A),".

Subsec. (d)(2)(B)(v). Pub. L. 108–357, §404(c), added cl. (v).

Subsec. (d)(2)(C). Pub. L. 108–357, §404(d), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (d)(2)(C)(iii). Pub. L. 108–357, §403(b)(2), inserted "and" at end of subcl. (I), redesignated subcl. (III) as (II), and struck out former subcl. (II) which read as follows: "any dividend from a noncontrolled section 902 corporation out of earnings and profits accumulated in taxable years beginning before January 1, 2003, and".

Subsec. (d)(2)(D). Pub. L. 108–357, §404(d), redesignated subpar. (C) as (D) and struck out heading and text of former subpar. (D). Text read as follows: "The term 'shipping income' means any income received or accrued by any person which is of a kind which would be foreign base company shipping income (as defined in section 954(f) as in effect before its repeal). Such term does not include any financial services income."

Pub. L. 108-357, §403(b)(3), substituted "Such term does not include any financial services income" for "Such term does not include any dividend from a noncontrolled section 902 corporation out of earnings and profits accumulated in taxable years beginning before January 1, 2003 and does not include any financial services income".

Subsec. (d)(2)(D)(i). Pub. L. 108-357, §404(f)(2), inserted "or" at end of subcl. (I), added subcl. (II), and struck out former subcls. (II) and (III) which read as follows:

"(II) passive income (determined without regard to subclauses (I) and (III) of subparagraph (A)(iii)), or

"(III) export financing interest which (but for subparagraph (B)(ii)) would be high withholding tax interest."

Subsec. (d)(2)(D)(iii). Pub. L. 108-357, §404(f)(3), which directed striking out of cl. (iii) "as so redesignated and amended by section 404(b)(3)", was executed by striking out heading and text of cl. (iii) as amended by section 403(b)(2) and redesignated by section 404(d), **to reflect the probable intent of Congress**. Text read as follows: "The term 'financial services income' does not include—

"(I) any high withholding tax interest, and

"(II) any export financing interest not described in clause (i)(III)."

Subsec. (d)(2)(E)(i). Pub. L. 108-357, §403(b)(4)(A), inserted "or (4)" after "paragraph (3)".

Subsec. (d)(2)(E)(ii), (iii). Pub. L. 108-357, §403(b)(4)(B), redesignated cl. (iii) as (ii) and struck out heading and text of former cl. (ii). Text read as follows: "If a foreign corporation is a noncontrolled section 902 corporation with respect to the taxpayer, taxes on high withholding tax interest (to the extent imposed at a rate in excess of 5 percent) shall not be treated as foreign taxes for purposes of determining the amount of foreign taxes deemed paid by the taxpayer under section 902."

Subsec. (d)(2)(E)(iv). Pub. L. 108-357, §403(b)(4)(B), struck out heading and text of cl. (iv). Text read as follows: "All noncontrolled section 902 corporations which are not passive foreign investment companies (as defined in section 1297) shall be treated as one noncontrolled section 902 corporation for purposes of paragraph (1)."

Subsec. (d)(2)(H) to (J). Pub. L. 108-357, §404(e), added subpar. (H) and redesignated former subpars. (H) and (I) as (I) and (J), respectively.

Subsec. (d)(2)(K). Pub. L. 108-357, §404(f)(5), added subpar. (K).

Subsec. (d)(3). Pub. L. 108-357, §404(f)(4), reenacted heading without change and amended text of par. (3) generally, substituting provisions consisting of subpars. (A) to (H) for former subpars. (A) to (I) which contained similar provisions.

Subsec. (d)(3)(F)(i). Pub. L. 108-357, §403(b)(5), substituted "or (D)" for "(D), or (E)".

Subsec. (d)(4). Pub. L. 108-357, §403(a), reenacted heading without change and amended text of par. (4) generally, substituting provisions relating to dividends from noncontrolled section 902 corporations, earnings and profits of controlled foreign corporations, and setting forth special rules, for provisions relating to treatment of applicable dividends, defining the term "applicable dividend", and setting forth special rules.

Subsec. (f)(3)(D). Pub. L. 108-357, §895(a), added subpar. (D).

Subsec. (g). Pub. L. 108-357, §402(a), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 108-357, §402(a), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Pub. L. 108-311 substituted "2003, 2004, or 2005" for "or 2003".

Subsec. (h)(1)(A). Pub. L. 108-357, §413(c)(15)(A), inserted "or" at end of cl. (i), redesignated cl. (iii) as (ii), and struck out former cl. (ii) which read as follows: "section 551 (relating to foreign personal holding company income taxed to United States shareholders), or".

Subsec. (h)(2). Pub. L. 108-357, §413(c)(15)(B), struck out "foreign personal holding or" before "passive foreign investment" in heading.

Subsecs. (i), (j). Pub. L. 108-357, §402(a), redesignated subsecs. (h) and (i) as (i) and (j), respectively. Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 108-357, §402(a), redesignated subsec. (j) as (k). Former subsec. (k) redesignated (l).

Subsec. (k)(3)(A)(i). Pub. L. 108-357, §404(f)(6), which directed amendment of subsec. (j)(3)(A)(i) by substituting "subsection (d)(2)(B)" for "subsection (d)(2)(A)", was executed to subsec. (k)(3)(A)(i) **to reflect the probable intent of Congress** and the amendment by Pub. L. 108-357, §402(a). See above.

Subsec. (l). Pub. L. 108-357, §402(a), redesignated subsec. (k) as (l).

1984—Subsec. (d). Pub. L. 98-369, §801(d)(2)(C), which directed amendment of par. (1) heading by substituting "Separate application of section with respect to certain interest income and income from DISC, former DISC, FSC, or former FSC" for "Application of section in case of certain interest income and dividends from a DISC or former DISC" was executed to subsec. (d) heading **to reflect the probable intent of Congress**.

Subsec. (d)(1)(B) to (E). Pub. L. 98-369, §801(d)(2)(A), (B), struck out "and" after "United States," at end of subpar. (B), substituted "taxable income attributable to foreign trade income (within the meaning of section

923(b)), for "income other than the interest income described in paragraph (2) and dividends described in subparagraph (B)," in subpar. (C), and added subpars. (D) and (E).

Subsec. (d)(3). Pub. L. 98-369, §122(a), added par. (3).

Subsec. (g). Pub. L. 98-369, §121(a), added subsec. (g). Former subsec. (g) redesignated (h).

Pub. L. 98-369, §474(r)(21), amended subsec. (g) generally, substituting "Coordination with nonrefundable personal credits" for "Coordination with credit for the elderly" in heading and in text substituting "reduced by the sum of the credits allowable under subpart A of part IV of subchapter A of this chapter" for "reduced by the amount of the credit (if any) for the taxable year allowable under section 37 (relating to credit for the elderly and the permanently and totally disabled)".

Subsecs. (h), (i). Pub. L. 98-369, §121(a), redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

§911. Citizens or residents of the United States living abroad

AMENDMENTS

2006—Subsec. (b)(2)(D)(ii). Pub. L. 109-222, §515(a)(1), substituted "2005" for "2007" in introductory provisions.

Subsec. (b)(2)(D)(ii)(II). Pub. L. 109-222, §515(a)(2), substituted "2004" for "2006".

Subsec. (c)(1)(A). Pub. L. 109-222, §515(b)(2)(A), inserted "to the extent such expenses do not exceed the amount determined under paragraph (2)" after "the taxable year".

Subsec. (c)(1)(B)(i). Pub. L. 109-222, §515(b)(1), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: "16 percent of the salary (computed on a daily basis) of an employee of the United States who is compensated at a rate equal to the annual rate paid for step 1 of grade GS-14, multiplied by".

Subsec. (c)(2) to (4). Pub. L. 109-222, §515(b)(2)(B), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (d)(4). Pub. L. 109-222, §515(b)(2)(C)(i), substituted ", (c)(1)(B)(ii), and (c)(2)(A)(ii)" for "and (c)(1)(B)(ii)" in concluding provisions.

Subsec. (d)(7). Pub. L. 109-222, §515(b)(2)(C)(ii), which directed substitution of "subsection (c)(4)" for "subsection (c)(3)", was executed by substituting "subsection (c)(4)(A)" for "subsection (c)(3)(A)" **to reflect the probable intent of Congress**.

Subsecs. (f), (g). Pub. L. 109-222, §515(c), added subsec. (f) and redesignated former subsec. (f) as (g).

§954. Foreign base company income

AMENDMENTS

2002—Subsec. (c)(1)(B). Pub. L. 107-147, §417(24)(B)(ii), which directed the amendment of Pub. L. 106-170, §532(c)(2)(Q), was executed to that section as if the amendment were retroactive to the effective date of the amendment by Pub. L. 106-170 **to reflect the probable intent of Congress**. See 1999 Amendment note below.

Subsec. (h)(9). Pub. L. 107-147, §614(a)(2), substituted "January 1, 2007" for "January 1, 2002".

Subsec. (i)(4)(B). Pub. L. 107-147, §614(b)(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "The amount of the reserve of a qualifying insurance company or qualifying insurance company branch for any life insurance or annuity contract shall be equal to the greater of—

"(i) the net surrender value of such contract (as defined in section 807(e)(1)(A)), or

"(ii) the reserve determined under paragraph (5)."

§1016. Adjustments to basis

CODIFICATION

Section 10909(b)(2)(L) of Pub. L. 111-148, which directed the amendment of section 1016(a)(26) without specifying the act to be amended, was executed to this section, which is section 1016 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2010 Amendment note below.

1986—Subsec. (a). Pub. L. 99-514, §1899A(25), which directed the amendment of pars. (23) to (26) by substituting a semicolon for a comma at the end thereof was executed to pars. (24) to (26) in view of the prior repeal of par. (23).

Pub. L. 99-514, §1303(b)(3), which directed the amendment of subsec. (a) by striking out par. (22) and redesignating pars. (23) to (27) as (22) to (26), respectively, was executed by striking out par. (21) **to reflect the probable intent of Congress** in view of the amendment by section 241(b)(2) of Pub. L. 99-514. Prior to the amendment, par. (21) read as follows: "to the extent provided in section 1395 in the case of stock of shareholders of a general stock ownership corporation (as defined in section 1391) which makes the election provided by section 1392;"

Pub. L. 99-514, §241(b)(2), redesignated pars. (17) to (27) as (16) to (26), respectively, and struck out former par. (16) which read as follows: "for amounts allowed as deductions for expenditures treated as deferred expenses under section 177 (relating to trademark and trade name expenditures) and resulting in a reduction of the taxpayer's taxes under this subtitle, but not less than the amounts allowable under such section for the taxable year and prior years;"

Subsec. (a)(24). Pub. L. 99-514, §701(e)(4)(D), substituted "section 59(d)" for "section 58(i)".

§1035. Certain exchanges of insurance policies

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-280, §844(b)(3)(A), which directed amendment by inserting "or for a qualified long-term care insurance contract" before semicolon "at the end", was executed by making the insertion before "; or" **to reflect the probable intent of Congress**.

Subsec. (a)(2). Pub. L. 109-280, §844(b)(3)(B), which directed amendment by inserting ", or (C) for a qualified long-term care insurance contract" before semicolon "at the end", was executed by making the insertion before "; or" **to reflect the probable intent of Congress**.

Subsec. (a)(3). Pub. L. 109-280, §844(b)(3)(C), inserted "or for a qualified long-term care insurance contract" after "annuity contract".

Subsec. (a)(4). Pub. L. 109-280, §844(b)(4), added par. (4).

Subsec. (b)(2). Pub. L. 109-280, §844(b)(1), inserted at end "For purposes of the preceding sentence, a contract shall not fail to be treated as an annuity contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract."

Subsec. (b)(3). Pub. L. 109-280, §844(b)(2), inserted at end "For purposes of the preceding sentence, a contract shall not fail to be treated as a life insurance contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract."

1997—Subsecs. (c), (d). Pub. L. 105-34 added subsec. (c) and redesignated former subsec. (c) as (d).

1986—Subsec. (b)(1). Pub. L. 99-514 struck out "subject to tax under subchapter L" after "with an insurance company".

1984—Subsec. (b)(1). Pub. L. 98-369, §224(a), which directed the substitution of "an insurance company subject to tax under subchapter L" for "a life insurance company as defined in section 801", was executed by making such substitution for "a life insurance company as defined in section 816" **to reflect the probable intent of Congress** and the earlier amendment by Pub. L. 98-369, §211(b)(15), which substituted "as defined in section 816" for "as defined in section 801".

Pub. L. 98-369, §211(b)(15), substituted "section 816" for "section 801".

§1038. Certain reacquisitions of real property

AMENDMENTS

1978—Subsec. (e)(1)(A). Pub. L. 95-600, §404(c)(6), substituted "relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55" for "relating to gain from sale or exchange of residence of an individual who has attained age 65".

Subsec. (e)(1)(B). Pub. L. 95-600, §405(c)(3), which directed the amendment of section 1083(e)(1)(B) of this title by substituting "(relating to rollover of gain on sale of principal residence)" for "(relating to sale or exchange of residence)", was executed to this section **to reflect the probable intent of Congress** because section 1083 does not contain a subsec. (e)(1)(B).

§1059. Corporate shareholder's basis in stock reduced by nontaxed portion of extraordinary dividends

AMENDMENTS

1988—Subsec. (d)(5). Pub. L. 100–647, §1006(c)(2), inserted "amount or" after "agrees to the".

Pub. L. 100–647, §1006(c)(1), redesignated par. (6) as (5) and struck out former par. (5) which related to extension to certain property distributions.

Subsec. (d)(6). Pub. L. 100–647, §1006(c)(3), amended par. (6) generally. Prior to amendment, par. (6) read as follows: "Subsection (a) shall not apply to any extraordinary dividend with respect to any share of stock of a corporation if—

"(A) such stock was held by the taxpayer during the entire period such corporation (and any predecessor [sic] corporation) was in existence,

"(B) except as provided in regulations, the only earnings and profits of such corporation were earnings and profits accumulated by such corporation (or any predecessor corporation) during such period, and

"(C) the application of this paragraph to such dividend is not inconsistent with the purposes of this section."

Pub. L. 100–647, §1006(c)(1), redesignated par. (7) as (6). Former par. (6) redesignated (5).

Subsec. (d)(7). Pub. L. 100–647, §1006(c)(1), redesignated par. (7) as (6).

Subsec. (e)(1). Pub. L. 100–647, §1006(c)(4), substituted "to which paragraphs (1) and (2) of subsection (a) apply without regard to the period the taxpayer held such stock" for "for purposes of this section (without regard to the holding period of the stock)".

Subsec. (e)(2). Pub. L. 100–647, §1006(c)(5), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "Except as provided in regulations, the term 'extraordinary dividend' shall not include any qualifying dividend (within the meaning of section 243(b)(1))."

Subsec. (e)(3)(A). Pub. L. 100–647, §1006(c)(6), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "A qualified preferred dividend shall be treated as an extraordinary dividend—

"(i) only if the actual rate of return of the taxpayer on the stock with respect to which such dividend was paid exceeds 15 percent, or

"(ii) if clause (i) does not apply, and the taxpayer disposes of such stock before the taxpayer has held such stock for more than 5 years, only to the extent the actual rate of return exceeds the stated rate of return."

Subsec. (e)(3)(B). Pub. L. 100–647, §1006(c)(8)(A), which directed the amendment of subpar. (B) "by striking out 'subparagraph (A)' and the material preceding clause (i) and inserting in lieu thereof 'this paragraph' ", was executed by striking out "subparagraph (A)" in the material preceding clause (i) and inserting in lieu thereof "this paragraph", **to reflect the probable intent of Congress.**

Subsec. (e)(3)(B)(ii). Pub. L. 100–647, §1006(c)(8)(B), substituted "clause (i)(II)" for "subparagraph (B)(i)(II)".

Subsec. (e)(3)(C)(i). Pub. L. 100–647, §1006(c)(7), inserted "fixed" before "dividend payable" in introductory provisions and inserted at end "Such term shall not include any dividend payable with respect to any share of stock if the actual rate of return on such stock exceeds 15 percent."

Subsec. (f). Pub. L. 100–647, §1006(c)(9), inserted "and in the case of stock held by pass-thru entities" after "other similar transactions".

§1061. Cross references

AMENDMENTS

1986—Pub. L. 99–514, §641(a), renumbered section 1060 of this title as this section.

Pars. (1), (2). Pub. L. 99–514, §1899A(27), which directed the amendment of pars. (1) and (2) of section 1060 by substituting "46 U.S.C. App." for "46 U.S.C." was executed to section 1061 **to reflect the probable intent of Congress** in view of the renumbering of section 1060 as 1061 by section 641(a) of Pub. L. 99–514.

§1223. Holding period of property

AMENDMENTS

2014—Par. (1). Pub. L. 113–295, §221(a)(80)(A), struck out "after March 1, 1954," after "such exchanges" in introductory provisions.

Par. (4). Pub. L. 113–295, §221(a)(80)(B), struck out "(or under so much of section 1052(c) as refers to section 113(a)(23) of the Internal Revenue Code of 1939)" after "section 307". Amendment was executed to reflect the probable intent of Congress notwithstanding a second set of quotation marks around the text directed to be stricken.

Par. (6). Pub. L. 113–295, §221(a)(80)(C), struck out par. (6) which read as follows: "In determining the period for which the taxpayer has held a residence, the acquisition of which resulted under section 1034 (as in effect on the day before the date of the enactment of the Taxpayer Relief Act of 1997) in the nonrecognition of any part of the gain realized on the sale or exchange of another residence, there shall be included the period for which such other residence had been held as of the date of such sale or exchange. For purposes of this paragraph, the term 'sale or exchange' includes an involuntary conversion occurring after December 31, 1950, and before January 1, 1954."

Par. (8). Pub. L. 113–295, §221(a)(80)(C), struck out par. (8) which read as follows: "Any reference in this section to a provision of this title shall, where applicable, be deemed a reference to the corresponding provision of the Internal Revenue Code of 1939, or prior internal revenue laws."

PART IV—SPECIAL RULES FOR DETERMINING CAPITAL GAINS AND LOSSES

sec.

- 1231. Property used in the trade or business and involuntary conversions.
- [1232 to 1232B. Repealed.]
- 1233. Gains and losses from short sales.
- 1234. Options to buy or sell.
- 1234A. Gains or losses from certain terminations.
- 1234B. Gains or losses from securities futures contracts.
- 1235. Sale or exchange of patents.
- 1236. Dealers in securities.
- 1237. Real property subdivided for sale.
- [1238. Repealed.]
- 1239. Gain from sale of certain property between spouses or between an individual and a controlled corporation.¹
- [1240. Repealed.]
- 1241. Cancellation of lease or distributor's agreement.
- 1242. Losses on small business investment company stock.
- 1243. Loss of small business investment company.
- 1244. Losses on small business stock.
- 1245. Gain from dispositions of certain depreciable property.
- [1246, 1247. Repealed.]
- 1248. Gain from certain sales or exchanges of stock in certain foreign corporations.
- 1249. Gain from certain sales or exchanges of patents, etc., to foreign corporations.
- 1250. Gain from dispositions of certain depreciable realty.
- [1251. Repealed.]
- 1252. Gain from the disposition of farm land.¹
- 1253. Transfers of franchises, trademarks, and trade names.
- 1254. Gain from disposition of interest in oil, gas, geothermal, or other mineral properties
- 1255. Gain from disposition of section 126 property.
- 1256. Section 1256 contracts marked to market.
- 1257. Disposition of converted wetlands or highly erodible croplands.

- 1258. Recharacterization of gain from certain financial transactions.
- 1259. Constructive sales treatment for appreciated financial positions.
- 1260. Gains from constructive ownership transactions.

AMENDMENTS

2000—Pub. L. 106–554, §1(a)(7) [title IV, §401(h)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–650, which directed the amendment of the table of sections of subpart IV of subchapter P of chapter 1 by adding item 1234B, was executed by adding item 1234B to the table of sections for this part which is part IV of subchapter P of chapter 1 **to reflect the probable intent of Congress.**

§1234B. Gains or losses from securities futures contracts

CODIFICATION

Pub. L. 106–554, §1(a)(7) [title IV, §401(a)], which directed amendment of subpart IV of subchapter P of chapter 1 by adding this section after section 1234A, was executed by adding this section after 1234A of this part which is part IV of subchapter P of chapter 1, **to reflect the probable intent of Congress.**

§1250. Gain from dispositions of certain depreciable realty

AMENDMENTS

1990—Subsec. (a)(1)(B)(i), (2)(B)(ii). Pub. L. 101–508, §11801(c)(15)(A), which directed the insertion of "(as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)" after "section 1039(b)(1)(B)" in pars. (1)(A)(i) and (2)(B)(ii) of subsec. (a), was executed to pars. (1)(B)(i) and (2)(B)(ii) **to reflect the probable intent of Congress.**

Subsec. (a)(4), (5). Pub. L. 101–508, §11812(b)(11), added par. (4) and redesignated former par. (4) as (5).

Subsec. (b)(3). Pub. L. 101–508, §11801(c)(6)(F), substituted "188 (as in effect before its repeal by the Revenue Reconciliation Act of 1990)," for "188,".

Subsec. (b)(4). Pub. L. 101–508, §11812(b)(12), substituted "section 167(k) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)" for "section 167(k)" in two places.

Subsec. (d)(3). Pub. L. 101–508, §11801(c)(8)(I), struck out "371(a), 374(a)," after "332, 351, 361,".

Subsec. (d)(8). Pub. L. 101–508, §11801(c)(15)(B), struck out par. (8) which related to the treatment of gain from the disposition of qualified low-income housing.

Subsecs. (g) to (i). Pub. L. 101–508, §11801(c)(15)(C), redesignated subsecs. (h) and (i) as (g) and (h), respectively, and struck out former subsec. (g) which provided special rules for qualified low-income housing.

§1297. Passive foreign investment company

AMENDMENTS

2007—Subsec. (b)(2)(D). Pub. L. 110–172, §11(g)(18), which directed amendment of subpar. (D) by striking out "foreign trade income of a FSC or", was executed by striking out "foreign trade income of an FSC or" before "export trade income" **to reflect the probable intent of Congress.**

Subsecs. (d) to (f). Pub. L. 110–172, §11(a)(24)(A), redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out heading and text of former subsec. (d). Text read as follows: "For purposes of this part, the term 'passive foreign investment company' does not include any foreign investment company to which section 1247 applies."

§1367. Adjustments to basis of stock of shareholders, etc.

AMENDMENTS

2006—Subsec. (a)(2). Pub. L. 109–280, which directed the addition of concluding provisions to section 1367(a)(2), without specifying the act to be amended, was executed to subsec. (a)(2) of this section, which is section 1367 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§1400C. First-time homebuyer credit for District of Columbia

AMENDMENTS

2009—Subsec. (d)(2). Pub. L. 111–5, §1144(b)(1)(F), substituted "30, and 30B" for "and 30". Pub. L. 111–5, §1142(b)(1)(F), which directed the substitution of "25D, and 30" for "and 25D", was executed by making the substitution for "25D", **to reflect the probable intent of Congress** and the amendment by Pub. L. 110–343, §205(d)(1)(E). See 2008 Amendment note below.

Pub. L. 111–5, §1004(b)(6), inserted "25A(i)," after "24,".

Subsec. (e)(4). Pub. L. 111–92 struck out "and before December 1, 2009," after "December 31, 2008,".

Pub. L. 111–5, §1006(d)(1), added par. (4).

§1400L. Tax benefits for New York Liberty Zone

AMENDMENTS

2003—Subsec. (b)(2)(C)(i). Pub. L. 108–27, which directed amendment of heading by substituting "Bonus depreciation property under section 168(k)" for "30-percent additional allowance property", was executed by making the substitution for "30 percent additional allowance property" **to reflect the probable intent of Congress**.

§1402. Definitions

AMENDMENTS

2014—Subsec. (e)(3). Pub. L. 113–295 struck out "whichever of the following dates is later: (A)" after "before" and "; or (B) the due date of the return (including any extension thereof) for his second taxable year ending after 1967" after "or (c)(5)". Amendment was executed **to reflect the probable intent of Congress** notwithstanding an extra closing quotation mark in the directory language.

PART II—CREDITS AGAINST TAX

Sec.	
2010.	Unified credit against estate tax.
[2011.	Repealed.]
2012.	Credit for gift tax.
2013.	Credit for tax on prior transfers.
2014.	Credit for foreign death taxes.
2015.	Credit for death taxes on remainders.
2016.	Recovery of taxes claimed as credit.

AMENDMENTS

2014—Pub. L. 113–295, div. A, title II, §221(a)(95)(A)(i), Dec. 19, 2014, 128 Stat. 4051, which directed amendment of part II of subchapter A of chapter 11 of this title by striking item 2011 from the table of sections for "such subpart", was executed by striking item 2011 "Credit for State death taxes" from the table of sections for this part, **to reflect the probable intent of Congress**.

PART IV—TAXABLE ESTATE

Sec.	
2051.	Definition of taxable estate.
[2052.	Repealed.]
2053.	Expenses, indebtedness, and taxes.
2054.	Losses.
2055.	Transfers for public, charitable, and religious uses.
2056.	Bequests, etc., to surviving spouse.

- 2056A. Qualified domestic trust.
[2057. Repealed.]
2058. State death taxes.

AMENDMENTS

2014—Pub. L. 113–295, div. A, title II, §221(a)(97)(A), Dec. 19, 2014, 128 Stat. 4051, which directed amendment of part IV of subchapter A of chapter 11 of this title by striking item 2057 from the table of sections for "such subpart", was executed by striking item 2057 "Family-owned business interests" from the table of sections for this part, **to reflect the probable intent of Congress**.

§2055. Transfers for public, charitable, and religious uses

CODIFICATION

Sections 1218(b) and 1234(b) of Pub. L. 109–280, which directed the amendment of section 2055 without specifying the act to be amended, were executed to this section, which is section 2055 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§2522. Charitable and similar gifts

CODIFICATION

Sections 1218(c) and 1234(c) of Pub. L. 109–280, which directed the amendment of section 2522 without specifying the act to be amended, were executed to this section, which is section 2522 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

Subchapter A—Tax Imposed

- Sec.
2601. Tax imposed.
2602. Amount of tax.
2603. Liability for tax.
[2604. Repealed.]

AMENDMENTS

2014—Pub. L. 113–295, div. A, title II, §221(a)(95)(B)(i), Dec. 19, 2014, 128 Stat. 4051, which directed amendment of subchapter A of chapter 13 of this title by striking out item 2604 in the table of sections for "such subpart", was executed by striking out item 2604 "Credit for certain State taxes" in the table of sections for this subchapter, **to reflect the probable intent of Congress**.

§3121. Definitions

AMENDMENTS

2007—Subsec. (v)(1)(A). Pub. L. 110–172, which directed amendment of subpar. (A) by inserting "or consisting of designated Roth contributions (as defined in section 402A(c))" before comma at end, was executed by making the insertion before ", or", **to reflect the probable intent of Congress**.

§3125. Returns in the case of governmental employees in States, Guam, American Samoa, and the District of Columbia

AMENDMENTS

1993—Pub. L. 103–66 which directed the amendment of this section by substituting "contribution and benefit base limitation" for "applicable contribution base limitation" without specifying where the substitution was to be made, was executed by making the substitution in subsecs. (a) to (d) **to reflect the probable intent of Congress**.

§3304. Approval of State laws

"APPLICABILITY

"SEC. 4007. (a) IN GENERAL.—An agreement entered into under this title shall apply to weeks of unemployment—

"(1) beginning after the date on which such agreement is entered into; and

"(2) ending on or before January 1, 2014.

"(b) TERMINATION.—No compensation under this title shall be payable for any week subsequent to the last week described in subsection (a)."

[Pub. L. 112–240, title V, §501(c), Jan. 2, 2013, 126 Stat. 2344, provided that: "The amendments made by this section [amending sections 4004 and 4007 of Pub. L. 110–252, set out above] shall take effect as if included in the enactment of the Unemployment Benefits Extension Act of 2012 ([subtitle B of title II of] Public Law 112–96)."]

[Pub. L. 112–240, title V, §503(b), Jan. 2, 2013, 126 Stat. 2344, provided that: "The amendments made by this section [amending section 4004 of Pub. L. 110–252, set out above] shall take effect as if included in the enactment of the Unemployment Benefits Extension Act of 2012 ([subtitle B of title II of] Public Law 112–96)."]

[Pub. L. 112–96, title II, §2122(f), Feb. 22, 2012, 126 Stat. 166, provided that:

"(1) IN GENERAL.—The amendments made by subsections (b), (c), and (d) [amending sections 4001 and 4002 of Pub. L. 110–252, set out above] shall take effect as of February 28, 2012, and shall apply with respect to weeks of unemployment beginning after that date.

"(2) WEEK DEFINED.—For purposes of this subsection, the term 'week' has the meaning given such term under section 4006 of the Supplemental Appropriations Act, 2008 [Pub. L. 110–252, set out above]."]

[Pub. L. 112–96, title II, §2142(b), Feb. 22, 2012, 126 Stat. 169, provided that: "Not later than 30 days after the date of enactment of this Act [Feb. 22, 2012], the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessment activities required to be provided under the amendment made by subsection (a) [amending section 4001 of Pub. L. 110–252, set out above]."]

[Pub. L. 112–96, §2142(c)(2)(A), which directed amendment of section 4004(e)(1)(G) of Pub. L. 110–252, set out above, by striking out "and" at the end, could not be executed because of the prior identical amendment by Pub. L. 112–96, §2122(e)(1).]

[Pub. L. 112–96, §2142(c)(2)(C), which directed amendment of section 4004(e) of Pub. L. 110–252, set out above, by adding par. (3) "at the end", was executed by adding par. (3) after par. (2), **to reflect the probable intent of Congress.**]

[Pub. L. 112–96, title II, §2144, Feb. 22, 2012, 126 Stat. 171, provided that: "Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before March 1, 2012, that, upon taking effect, would violate such subsection."]

[Amendment by section 201(a)(1), (b) of Pub. L. 112–78 to sections 4004 and 4007 of Pub. L. 110–252, set out above, effective as if included in the enactment of Pub. L. 111–312, see section 201(c) of Pub. L. 112–78, set out following section 2005 of Pub. L. 111–5 above.]

[Amendment by section 501(a)(1), (b) of Pub. L. 111–312 to sections 4004 and 4007 of Pub. L. 110–252, set out above, effective as if included in the enactment of Pub. L. 111–205, see section 501(c) of Pub. L. 111–312, set out following section 2005 of Pub. L. 111–5 above.]

[Amendment by section 2(a)(1), (b), (c) of Pub. L. 111–205 to sections 4001, 4004, and 4007 of Pub. L. 110–252, set out above, effective as if included in Pub. L. 111–157, see section 2(d) of Pub. L. 111–205, set out following section 2005 of Pub. L. 111–5 above.]

[Pub. L. 111–205, §3(b), July 22, 2010, 124 Stat. 2238, provided that: "The amendment made by this section [amending section 4002 of Pub. L. 110–252, set out above] shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) [of] the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act [July 22, 2010]."]

[Amendment by section 2(a)(1), (b) of Pub. L. 111–157 to sections 4004 and 4007 of Pub. L. 110–252, set out above, effective as if included in the enactment of Pub. L. 111–144, see section 2(c) of Pub. L. 111–157, set out following section 2002 of Pub. L. 111–5 above.]

[Pub. L. 111–92, §2(b), Nov. 6, 2009, 123 Stat. 2984, provided that: "The amendments made by this section [amending section 4002 of Pub. L. 110–252, set out above] shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008 [Pub. L. 110–252], except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act [Nov. 6, 2009]."]

[Pub. L. 111–92, §3(c), Nov. 6, 2009, 123 Stat. 2985, provided that: "The amendments made by this section

[amending sections 4002 and 4007 of Pub. L. 110–252, set out above] shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008 [Pub. L. 110–252], except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act [Nov. 6, 2009]."]

[Pub. L. 111–92, §4(c), Nov. 6, 2009, 123 Stat. 2986, provided that: "The amendments made by this section [amending sections 4002 and 4007 of Pub. L. 110–252, set out above] shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008 [Pub. L. 110–252], except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act [Nov. 6, 2009]."]

[Pub. L. 110–449, §6, Nov. 21, 2008, 122 Stat. 5015, provided that:

["(a) IN GENERAL.—The amendments made by sections 2, 3, and 4 [amending title IV of Pub. L. 110–252, set out as a note above] shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008 [Pub. L. 110–252], subject to subsection (b).

["(b) ADDITIONAL BENEFITS.—In applying the amendments made by sections 2 and 3, any additional emergency unemployment compensation made payable by such amendments (which would not otherwise have been payable if such amendments had not been enacted) shall be payable only with respect to any week of unemployment beginning on or after the date of the enactment of this Act [Nov. 21, 2008]."]

Subtitle D—Miscellaneous Excise Taxes

Chapter	Sec. ¹
31. Retail excise taxes	4001
32. Manufacturers excise taxes	4061
33. Facilities and services	4231
34. Taxes on certain insurance policies	4371
35. Taxes on wagering	4401
36. Certain other excise taxes	4451
[37. Repealed.]	
38. Environmental taxes	4611
39. Registration-required obligations	4701
40. General provisions relating to occupational taxes	4901
41. Public charities	4911
42. Private foundations; and certain other tax-exempt organizations	4940
43. Qualified pension, etc., plans	4971
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47. Certain group health plans	5000
48. Maintenance of minimum essential coverage	5000A
49. Cosmetic services	5000B
50. Foreign procurement	5000C

IMPOSITION OF ANNUAL FEE ON HEALTH INSURANCE PROVIDERS

Pub. L. 111–148, title IX, §9010, title X, §10905(a)–(f), Mar. 23, 2010, 124 Stat. 865, 1017–1019, as amended by Pub. L. 111–152, title I, §1406(a), Mar. 30, 2010, 124 Stat. 1065; Pub. L. 114–113, div. P, title II, §201, Dec. 18, 2015, 129 Stat. 3037, provided that:

"(a) IMPOSITION OF FEE.—

"(1) IN GENERAL.—Each covered entity engaged in the business of providing health insurance shall pay to the Secretary not later than the annual payment date of each calendar year beginning after 2013 a fee in an amount determined under subsection (b).

"(2) ANNUAL PAYMENT DATE.—For purposes of this section, the term 'annual payment date' means with respect to any calendar year the date determined by the Secretary, but in no event later than September 30 of such calendar year.

"(b) DETERMINATION OF FEE AMOUNT.—

"(1) IN GENERAL.—With respect to each covered entity, the fee under this section for any calendar year shall be equal to an amount that bears the same ratio to the applicable amount as—

"(A) the covered entity's net premiums written with respect to health insurance for any United States health risk that are taken into account during the preceding calendar year, bears to

"(B) the aggregate net premiums written with respect to such health insurance of all covered entities that are taken into account during such preceding calendar year.

"(2) AMOUNTS TAKEN INTO ACCOUNT.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The net premiums written with respect to health insurance for any United States health risk that are taken into account during any calendar year with respect to any covered entity shall be determined in accordance with the following table:

"With respect to a covered entity's net premiums written during the calendar year that are:	The percentage of net premiums written that are taken into account is:
Not more than \$25,000,000	0 percent
More than \$25,000,000 but not more than \$50,000,000	50 percent
More than \$50,000,000	100 percent.

"(B) PARTIAL EXCLUSION FOR CERTAIN EXEMPT ACTIVITIES.—After the application of subparagraph (A), only 50 percent of the remaining net premiums written with respect to health insurance for any United States health risk that are attributable to the activities (other than activities of an unrelated trade or business as defined in section 513 of the Internal Revenue Code of 1986) of any covered entity qualifying under paragraph (3), (4), (26), or (29) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code shall be taken into account.

"(3) Secretarial determination.—The Secretary shall calculate the amount of each covered entity's fee for any calendar year under paragraph (1). In calculating such amount, the Secretary shall determine such covered entity's net premiums written with respect to any United States health risk on the basis of reports submitted by the covered entity under subsection (g) and through the use of any other source of information available to the Secretary.

"(c) COVERED ENTITY.—

"(1) IN GENERAL.—For purposes of this section, the term 'covered entity' means any entity which provides health insurance for any United States health risk during the calendar year in which the fee under this section is due.

"(2) EXCLUSION.—Such term does not include—

"(A) any employer to the extent that such employer self-insures its employees' health risks,

"(B) any governmental entity,

"(C) any entity—

"(i) which is incorporated as a nonprofit corporation under a State law,

"(ii) no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in section 501(h) of the Internal Revenue Code of 1986), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office, and

"(iii) more than 80 percent of the gross revenues of which is received from government programs that target low-income, elderly, or disabled populations under titles XVIII, XIX, and XXI of the Social Security Act [42 U.S.C. 1395 et seq., 1396 et seq., 1397aa et seq.], and

"(D) any entity which is described in section 501(c)(9) of such Code and which is established by an entity (other than by an employer or employers) for purposes of providing health care benefits.

"(3) CONTROLLED GROUPS.—

"(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 or subsection (m) or (o) of section 414 of such Code shall be treated as a single covered entity (or employer for purposes of paragraph (2)).

"(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 of such Code to this section, section 1563 of such Code shall be applied without regard to subsection (b)(2)(C) thereof.

If any entity described in subparagraph (C) or (D) of paragraph (2) is treated as a covered entity by reason of the application of the preceding sentence, the net premiums written with respect to health insurance for any United States health risk of such entity shall not be taken into account for purposes of this section.

"(4) JOINT AND SEVERAL LIABILITY.—If more than one person is liable for payment of the fee under subsection (a) with respect to a single covered entity by reason of the application of paragraph (3), all such persons shall be jointly and severally liable for payment of such fee.

"(d) UNITED STATES HEALTH RISK.—For purposes of this section, the term 'United States health risk' means the health risk of any individual who is—

"(1) a United States citizen,

"(2) a resident of the United States (within the meaning of section 7701(b)(1)(A) of the Internal Revenue Code of 1986), or

"(3) located in the United States, with respect to the period such individual is so located.

"(e) APPLICABLE AMOUNT.—For purposes of subsection (b)(1)—

"(1) YEARS BEFORE 2019.—In the case of calendar years beginning before 2019, the applicable amount shall be determined in accordance with the following table:

"Calendar year	Applicable amount
2014	\$8,000,000,000
2015	\$11,300,000,000
2016	\$11,300,000,000
2017	\$13,900,000,000
2018	\$14,300,000,000.

"(2) YEARS AFTER 2018.—In the case of any calendar year beginning after 2018, the applicable amount shall be the applicable amount for the preceding calendar year increased by the rate of premium growth (within the meaning of section 36B(b)(3)(A)(ii) of the Internal Revenue Code of 1986) for such preceding calendar year.

"(f) TAX TREATMENT OF FEES.—The fees imposed by this section—

"(1) for purposes of subtitle F of the Internal Revenue Code of 1986, shall be treated as excise taxes with respect to which only civil actions for refund under procedures of such subtitle shall apply, and

"(2) for purposes of section 275 of such Code shall be considered to be a tax described in section 275(a)(6).

"(g) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—Not later than the date determined by the Secretary following the end of any calendar year, each covered entity shall report to the Secretary, in such manner as the Secretary prescribes, the covered entity's net premiums written with respect to health insurance for any United States health risk for such calendar year.

"(2) PENALTY FOR FAILURE TO REPORT.—

"(A) IN GENERAL.—In the case of any failure to make a report containing the information required by paragraph (1) on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid by the covered entity failing to file such report, an amount equal to—

"(i) \$10,000, plus

"(ii) the lesser of—

"(I) an amount equal to \$1,000, multiplied by the number of days during which such failure continues, or

"(II) the amount of the fee imposed by this section for which such report was required.

"(B) TREATMENT OF PENALTY.—The penalty imposed under subparagraph (A)—

"(i) shall be treated as a penalty for purposes of subtitle F of the Internal Revenue Code of 1986,

"(ii) shall be paid on notice and demand by the Secretary and in the same manner as tax under such Code, and

"(iii) with respect to which only civil actions for refund under procedures of such subtitle F shall apply.

"(3) ACCURACY-RELATED PENALTY.—

"(A) IN GENERAL.—In the case of any understatement of a covered entity's net premiums written with respect to health insurance for any United States health risk for any calendar year, there shall be paid by the covered entity making such understatement, an amount equal to the excess of—

"(i) the amount of the covered entity's fee under this section for the calendar year the Secretary determines should have been paid in the absence of any such understatement, over

"(ii) the amount of such fee the Secretary determined based on such understatement.

"(B) UNDERSTATEMENT.—For purposes of this paragraph, an understatement of a covered entity's net premiums written with respect to health insurance for any United States health risk for any calendar year is the difference between the amount of such net premiums written as reported on the return filed by the covered entity under paragraph (1) and the amount of such net premiums written that should have been reported on such return.

"(C) TREATMENT OF PENALTY.—The penalty imposed under subparagraph (A) shall be subject to the provisions of subtitle F of the Internal Revenue Code of 1986 that apply to assessable penalties imposed under chapter 68 of such Code.

"(4) TREATMENT OF INFORMATION.—Section 6103 of the Internal Revenue Code of 1986 shall not apply to any information reported under this subsection.

"(h) ADDITIONAL DEFINITIONS.—For purposes of this section—

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury or the Secretary's delegate.

"(2) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

"(3) HEALTH INSURANCE.—The term 'health insurance' shall not include—

"(A) any insurance coverage described in paragraph (1)(A) or (3) of section 9832(c) of the Internal Revenue Code of 1986,

"(B) any insurance for long-term care, or

"(C) any medicare supplemental health insurance (as defined in section 1882(g)(1) of the Social Security Act [42 U.S.C. 1395ss(g)(1)]).

"(i) GUIDANCE.—The Secretary shall publish guidance necessary to carry out the purposes of this section and shall prescribe such regulations as are necessary or appropriate to prevent avoidance of the purposes of this section, including inappropriate actions taken to qualify as an exempt entity under subsection (c)(2).

"(j) EFFECTIVE DATE.—This section shall apply to calendar years—

"(1) beginning after December 31, 2013, and ending before January 1, 2017, and

"(2) beginning after December 31, 2017."

[Pub. L. 111–152, title I, §1406(a)(3)(C), Mar. 30, 2010, 124 Stat. 1065, which directed amendment of section 9010(c) of Pub. L. 111–148, set out above, by substituting "subparagraph (C) or (D)" for "subparagraph (C)(i)(I), (D)(i)(I), or (E)(i)" in par. (3)(A), was executed by making the substitution in concluding provisions of par. (3), **to reflect the probable intent of Congress.**]

[Pub. L. 111–152, title I, §1406(b), Mar. 30, 2010, 124 Stat. 1067, provided that: "The amendments made by this section [amending section 9010 of Pub. L. 111–148, set out above] shall take effect as if included in section 9010 of the Patient Protection and Affordable Care Act [Pub. L. 111–148]."]

[Pub. L. 111–148, title X, §10905(g), Mar. 23, 2010, 124 Stat. 1019, provided that: "The amendments made by this section [amending section 9010 of Pub. L. 111–148, set out above] shall take effect as if included in the enactment of section 9010."]

¹ Section numbers editorially supplied.

§4041. Imposition of tax

AMENDMENTS

2006—Subsec. (b)(2)(B). Pub. L. 109–432, §208(c), substituted "and ethanol fuel produced from coal" for "or ethanol fuel" in heading.

Subsec. (b)(2)(C)(ii). Pub. L. 109–432, §208(b), substituted "2008" for "2007".

Subsec. (b)(2)(D). Pub. L. 109–432, §208(a), substituted "January 1, 2009" for "October 1, 2007".

Subsec. (g)(5). Pub. L. 109–280, which directed the addition of par. (5) to section 4041(g), without specifying the act to be amended, was executed to subsec. (g) of this section, which is section 4041 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

2005—Subsec. (a)(1)(B). Pub. L. 109–59, §11161(b)(3)(A), struck out last sentence which read as follows: "This subparagraph shall not apply to aviation-grade kerosene."

Pub. L. 109–58, §1362(b)(2)(A), inserted "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate)" after "section 4081".

Subsec. (a)(1)(C)(iii)(I). Pub. L. 109–59, §11101(a)(1)(A), substituted "2011" for "2005".

Subsec. (a)(2). Pub. L. 109–59, §11113(a)(3), substituted "Alternative fuels" for "Special motor fuels" in heading.

Subsec. (a)(2)(A). Pub. L. 109–58, §1362(b)(2)(A), inserted "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate)" after "section 4081" in introductory provisions.

Subsec. (a)(2)(B). Pub. L. 109–59, §11113(a)(1)(C), struck out concluding provisions which read as follows: "In the case of any sale or use after September 30, 2011, clause (ii) shall be applied by substituting '3.2 cents' for '13.6 cents', and clause (iii) shall be applied by substituting '2.8 cents' for '11.9 cents'."

Pub. L. 109–59, §11101(a)(1)(B), substituted "2011" for "2005" in concluding provisions.

Subsec. (a)(2)(B)(i). Pub. L. 109–59, §11113(a)(1)(A), inserted "and" at end.

Subsec. (a)(2)(B)(ii). Pub. L. 109–59, §11151(e)(2), substituted "section 45K(c)(3)" for "section 29(c)(3)".

Pub. L. 109–59, §11113(a)(1)(B), (D), added cl. (ii) and struck out former cl. (ii) which read as follows: "13.6 cents per gallon in the case of liquefied petroleum gas, and".

Subsec. (a)(2)(B)(iii). Pub. L. 109–59, §11113(a)(1)(B), struck out cl. (iii) which read as follows: "11.9 cents per gallon in the case of liquefied natural gas."

Subsec. (a)(3)(A). Pub. L. 109–59, §11113(a)(2)(A), substituted "18.3 cents per energy equivalent of a gallon of gasoline" for "48.54 cents per MCF (determined at standard temperature and pressure)" in concluding provisions.

Subsec. (a)(3)(C). Pub. L. 109–59, §11113(a)(2)(B), substituted "energy equivalent of a gallon of gasoline" for "MCF".

Subsec. (b)(1)(A). Pub. L. 109–58, §1362(b)(2)(B), which directed amendment of subpar. (A) by striking out "or (d)(1)", was executed by striking out "or (d)(1)" after "subsection (a)" **to reflect the probable intent of Congress**.

Subsec. (c). Pub. L. 109–59, §11161(b)(1)(D), substituted "Certain liquids used as a fuel in aviation" for "Aviation-grade kerosene" in heading.

Subsec. (c)(1). Pub. L. 109–59, §11161(b)(1)(A), substituted "any liquid for use as a fuel other than aviation gasoline" for "aviation-grade kerosene" in introductory provisions.

Subsec. (c)(2). Pub. L. 109–59, §11161(b)(1)(B), substituted "liquid for use as a fuel other than aviation gasoline" for "aviation-grade kerosene".

Pub. L. 109–58, §1362(b)(2)(A), inserted "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate)" after "section 4081".

Subsec. (c)(3). Pub. L. 109–59, §11161(b)(1)(C), added par. (3) and struck out former par. (3) which read as follows: "The rate of tax imposed by this subsection shall be the rate of tax applicable under section 4081(a)(2)(A)(iv) which is in effect at the time of such sale or use."

Subsec. (d)(5). Pub. L. 109–58, §1362(b)(2)(C), added par. (5).

Subsec. (m)(1)(A), (B). Pub. L. 109–59, §11101(a)(1)(C), substituted "2011" for "2005" in introductory provisions.

§4072. Definitions

AMENDMENTS

2005—Subsec. (e). Pub. L. 109–58 inserted at end "Such term shall not include any tire designed for steering."

2004—Subsec. (a). Pub. L. 108–357, §869(b), added subsec. (a) and redesignated former subsec. (a) as (b).

Subsec. (b). Pub. L. 108–357, §869(b), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Pub. L. 108–357, §851(c)(1), which directed amendment of par. (2) by inserting at end "Such term shall not include tires of a type used exclusively on vehicles described in section 4053(8).", was executed by amending subsec. (b) by inserting that language after par. (2) **to reflect the probable intent of Congress**.

Subsecs. (c), (d). Pub. L. 108–357, §869(b), redesignated subsecs. (b) and (c) as (c) and (d), respectively. Former subsec. (d) redesignated (e).

Pub. L. 108–357, §869(b), added subsecs. (c) and (d).

Subsec. (e). Pub. L. 108–357, §869(b), redesignated subsec. (d) as (e).

§4081. Imposition of tax

AMENDMENTS

1990—Subsec. (a)(1). Pub. L. 101–508, §11212(a), substituted heading for one which read: "In general" and amended text generally. Prior to amendment, text read as follows: "There is hereby imposed a tax at the rate specified in paragraph (2) on the earlier of—

"(A) the removal, or

"(B) the sale,

of gasoline by the refiner or importer thereof or the terminal operator."

Subsec. (a)(2)(A)(iii). Pub. L. 101–508, §11211(a)(1), added cl. (iii).

Subsec. (a)(2)(B)(i). Pub. L. 101–508, §11211(a)(2)(A), substituted "11.5 cents" for "9 cents".

Subsec. (a)(2)(B)(iii). Pub. L. 101–508, §11211(a)(2)(B), (C), added cl. (iii).

Subsec. (a)(3). Pub. L. 101–508, §11212(e)(2), struck out par. (3) which read as follows: "For purposes of paragraph (1), the bulk transfer of gasoline to a terminal operator by a refiner or importer shall not be considered a removal or sale of gasoline by such refiner or importer."

Subsec. (c)(1). Pub. L. 101–508, §11211(a)(5)(A), substituted "applied by substituting rates which are 10/9th of the otherwise applicable rates" for "applied by substituting '3 1/3 cents' for '9 cents' and by substituting '1/9 cent' for '0.1 cent' " and inserted "For purposes of this subsection, in the case of the Highway Trust Fund financing rate, the otherwise applicable rate is 6.1 cents a gallon."

Subsec. (c)(2). Pub. L. 101–508, §11211(a)(5)(B), which directed the substitution of "at a Highway Trust Fund financing rate equivalent to 6.1 cents" for "at a rate equivalent to 3 cents", was executed by making the substitution for "at a Highway Trust Fund financing rate equivalent to 3 cents" **to reflect the probable intent of Congress**. See 1986 Amendment note below.

Subsec. (c)(4). Pub. L. 101–508, §11211(a)(5)(C), added par. (4). Former par. (4) redesignated (5).

Subsec. (c)(5). Pub. L. 101–508, §11211(e)(3), substituted "2000" for "1993".

Pub. L. 101–508, §11211(a)(5)(C), redesignated par. (4) as (5).

Subsec. (d)(1). Pub. L. 101–508, §11211(c)(3), substituted "1995" for "1993".

Subsec. (d)(2). Pub. L. 101–508, §11215(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows:

"(A) IN GENERAL.—The Leaking Underground Storage Tank Trust Fund financing rate under subsection (a)(2) shall not apply after the earlier of—

"(i) December 31, 1991, or

"(ii) the last day of the termination month.

"(B) TERMINATION MONTH.—For purposes of subparagraph (A), the termination month is the 1st month as of the close of which the Secretary estimates that the net revenues are at least \$500,000,000 from taxes imposed by section 4041(d) and taxes attributable to Leaking Underground Storage Tank Trust Fund financing rate imposed under this section and sections 4042 and 4091.

"(C) NET REVENUES.—For purposes of subparagraph (B), the term 'net revenues' means the excess of gross revenues over amounts payable by reason of section 9508(c)(2) (relating to transfer from Leaking Underground Storage Tank Trust Fund for certain repayments and credits)."

Subsec. (d)(3). Pub. L. 101–508, §11211(a)(3), added par. (3).

Subsec. (e). Pub. L. 101–508, §11212(d)(1), added subsec. (e).

§4082. Exemptions for diesel fuel and kerosene

AMENDMENTS

2004—Subsec. (a)(2). Pub. L. 108–357, §854(a), inserted "by mechanical injection" after "indelibly dyed".

Subsec. (b). Pub. L. 108–357, §853(a)(5)(B)(i), inserted at end "The term 'nontaxable use' does not include the use of aviation-grade kerosene in an aircraft."

Pub. L. 108–357, §851(d)(2), which directed amendment of subsec. (b) by inserting "and such term shall not include any use described in section 6421(e)(2)(C)" before period at end, was executed by making the insertion after amendment by Pub. L. 108–357, §853(a)(5)(B)(i), **to reflect the probable intent of Congress**. See above.

Subsec. (b)(3). Pub. L. 108–357, §857(a), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "any use described in section 6427(b)(1) (after the application of section 6427(b)(3))."

Subsec. (d). Pub. L. 108–357, §853(a)(5)(B)(ii), redesignated pars. (2) and (3) as (1) and (2), respectively,

and struck out heading and text of former par. (1). Text read as follows: "Subsection (a)(2) shall not apply to aviation-grade kerosene (as determined under regulations prescribed by the Secretary) which the Secretary determines is destined for use as a fuel in an aircraft."

Subsec. (e). Pub. L. 108-357, §853(a)(5)(A), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 108-357, §853(a)(5)(A), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 108-357, §853(a)(5)(A), redesignated subsec. (f) as (g).

Pub. L. 108-357, §241(a)(2)(B), which directed substitution of "subsections (a)(1) and (d)(3) of section 4041" for "section 4041(a)(1)" in subsec. (f), was executed by making the substitution in subsec. (g) **to reflect the probable intent of Congress** and the amendment by Pub. L. 108-357, §853(a)(5)(A). See Amendment note above and Effective Date of 2004 Amendment notes below.

§4221. Certain tax-free sales

CODIFICATION

Section 1207(b)(1)-(3)(A) of Pub. L. 109-280, which directed the amendment of section 4221 without specifying the act to be amended, was executed to this section, which is section 4221 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

CHAPTER 42—PRIVATE FOUNDATIONS; AND CERTAIN OTHER TAX-EXEMPT ORGANIZATIONS

Subchapter	Sec. ¹
A. Private foundations	4940
B. Black lung benefit trusts	4951
C. Political expenditures of section 501(c)(3) organizations	4955
D. Failure by certain charitable organizations to meet certain qualification requirements	4958
E. Abatement of first and second tier taxes in certain cases	4961
F. Tax shelter transactions	4965
G. Donor advised funds	4966

AMENDMENTS

2006—Pub. L. 109-280, title XII, §1231(b)(2), Aug. 17, 2006, 120 Stat. 1098, which directed the addition of item for subchapter G to the analysis for chapter 42 without specifying the act to be amended, was executed by adding the item to this analysis, which is for chapter 42 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**.

Pub. L. 109-222, title V, §516(a)(2), May 17, 2006, 120 Stat. 371, added item for subchapter F.

§4940. Excise tax based on investment income

CODIFICATION

Section 1221(a)(1), (b) of Pub. L. 109-280, which directed the amendment of section 4940 without specifying the act to be amended, was executed to this section, which is section 4940 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§4941. Taxes on self-dealing

CODIFICATION

Section 1212(a)(1), (2) of Pub. L. 109-280, which directed the amendment of section 4941 without specifying the act to be amended, was executed to this section, which is section 4941 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§4942. Taxes on failure to distribute income

CODIFICATION

Sections 1212(b) and 1244(a) of Pub. L. 109–280, which directed the amendment of section 4942 without specifying the act to be amended, were executed to this section, which is section 4942 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§4943. Taxes on excess business holdings

CODIFICATION

Sections 1212(c), 1233(a), and 1243(a) of Pub. L. 109–280, which directed the amendment of section 4943 without specifying the act to be amended, were executed to this section, which is section 4943 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§4944. Taxes on investments which jeopardize charitable purpose

CODIFICATION

Section 1212(d) of Pub. L. 109–280, which directed the amendment of section 4944 without specifying the act to be amended, was executed to this section, which is section 4944 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§4945. Taxes on taxable expenditures

CODIFICATION

Sections 1212(e) and 1244(b) of Pub. L. 109–280, which directed the amendment of section 4945 without specifying the act to be amended, were executed to this section, which is section 4945 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§4958. Taxes on excess benefit transactions

CODIFICATION

Sections 1212(a)(3), 1232(a), (b), and 1242(a), (b) of Pub. L. 109–280, which directed the amendment of section 4958 without specifying the act to be amended, were executed to this section, which is section 4958 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§4963. Definitions

AMENDMENTS

2006—Subsecs. (a), (c). Pub. L. 109–280, which directed the insertion of "4966, 4967," after "4958," in subsecs. (a) and (c) of section 4963, without specifying the act to be amended, was executed by making the insertion in subsecs. (a) and (c) of this section, which is section 4963 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**.

Subchapter G—Donor Advised Funds

Sec.

4966. Taxes on taxable distributions.
4967. Taxes on prohibited benefits.

CODIFICATION

Pub. L. 109–280, title XII, §1231(a), Aug. 17, 2006, 120 Stat. 1094, which directed the addition of subchapter G at the end of chapter 42, without specifying the act to be amended, was executed by adding subchapter G at the end of chapter 42 of this title, which consists of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§4971. Taxes on failure to meet minimum funding standards

AMENDMENTS

2014—Subsec. (a)(3). Pub. L. 113–97, §202(c)(8)(A), added par. (3).

Subsec. (b). Pub. L. 113–97, §202(c)(8)(B)(ii), which directed substitution of "minimum required contribution, accumulated funding deficiency, or CSEC accumulated funding deficiency" for "minimum required contributions or accumulated funding deficiency", was executed by making the substitution for "minimum required contribution or accumulated funding deficiency" in concluding provisions, **to reflect the probable intent of Congress.**

Subsec. (b)(3). Pub. L. 113–97, §202(c)(8)(B)(i), added par. (3).

Subsec. (c)(2). Pub. L. 113–97, §202(c)(8)(C)(i), substituted "accumulated funding deficiency or CSEC accumulated funding deficiency" for "accumulated funding deficiency" in two places.

Subsec. (c)(3). Pub. L. 113–97, §202(c)(8)(C)(ii), substituted "accumulated funding deficiency, CSEC accumulated funding deficiency, or unpaid minimum required contribution" for "accumulated funding deficiency or unpaid minimum required contribution" in two places in introductory provisions.

Subsec. (c)(5). Pub. L. 113–97, §202(c)(8)(C)(iii), added par. (5).

Subsec. (d)(1). Pub. L. 113–97, §202(c)(8)(D), substituted "accumulated funding deficiency, CSEC accumulated funding deficiency, or unpaid minimum required contribution" for "accumulated funding deficiency or unpaid minimum required contribution".

Subsec. (f)(1). Pub. L. 113–97, §202(c)(8)(E)(i), substituted "430(j)(4) or 433(f)" for "430(j)(4)" in introductory provisions.

Subsec. (f)(1)(B). Pub. L. 113–97, §202(c)(8)(E)(ii), substituted "430(j) or 433(f), whichever is applicable" for "430(j)".

Subsec. (f)(3)(A). Pub. L. 113–97, §202(c)(8)(E)(iii), substituted "430(j) or 433(f), whichever is applicable" for "412(m)(5)".

Subsecs. (h), (i). Pub. L. 113–97, §202(c)(9), added subsec. (h) and redesignated former subsec. (h) as (i).

§5000. Certain group health plans

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–66, §13561(e)(2)(A)(i), which directed insertion of "(including a self-employed person)" after "employer", was executed by making the insertion after "employer" the first time it appeared, **to reflect the probable intent of Congress.**

Subsec. (b)(1). Pub. L. 103–66, §13561(e)(2)(A)(ii), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: "The term 'group health plan' means any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer's employees, former employees, or the families of such employees or former employees."

Subsec. (b)(2). Pub. L. 103–66, §13561(d)(2), inserted at end "For purposes of the preceding sentence—" and added subpars. (A) to (C).

Subsec. (c). Pub. L. 103–66, §13561(e)(2)(A)(iii), substituted "of paragraph (1), or with the requirements of paragraph (2), of section 1862(b)" for "of section 1862(b)(1)".

§5121. Recordkeeping by wholesale dealers

AMENDMENTS

2007—Pub. L. 110–172, which directed amendment of this title by redesignating section 5432 as section 5121, was executed by making correction to amendment by Pub. L. 109–59, §11125(b)(5)(B)(i). See 2005 Amendment note below.

2005—Pub. L. 109–59, §11125(b)(5)(B)(i), which directed amendment of section 5114 of this title by substituting "§5432. Recordkeeping by wholesale dealers" for "§5114. Records" in section catchline, was executed by substituting "§5121. Recordkeeping by wholesale dealers" for "§5114. Records", **to reflect the probable intent of Congress** and the subsequent amendment by Pub. L. 110–172. See 2007 Amendment note above.

Pub. L. 109–59, §11125(b)(5)(A), transferred section 5114 of this title to this subpart so as to appear after subpart analysis.

Subsecs. (c), (d). Pub. L. 109–59, §11125(b)(5)(B)(ii), added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (d)(3). Pub. L. 109–59, §11125(b)(5)(C), substituted "section 5123" for "section 5146".

§5702. Definitions

AMENDMENTS

2012—Subsec. (d). Pub. L. 112–141 inserted concluding provisions.

2009—Subsec. (h). Pub. L. 111–3, §702(a)(5)(A), substituted "tobacco products or cigarette papers or tubes or any processed tobacco" for "tobacco products and cigarette papers and tubes".

Subsec. (j). Pub. L. 111–3, §702(a)(5)(B), inserted ", or any processed tobacco," after "tobacco products or cigarette papers or tubes".

Subsec. (k). Pub. L. 111–3, §702(a)(5)(B), which directed insertion of ", or any processed tobacco," after "tobacco products or cigarette papers or tubes", was executed by making the insertion after "tobacco products or cigarette papers or tubes" both places it appeared **to reflect the probable intent of Congress**.

Subsec. (o). Pub. L. 111–3, §702(d)(1), inserted "or cigars, or for use as wrappers thereof" before period.

Subsec. (p). Pub. L. 111–3, §702(a)(4), added subsec. (p).

§5732. Payment of tax

AMENDMENTS

2007—Subsec. (c)(2). Pub. L. 110–172, which directed amendment of section 5732 of this title, as redesignated by Pub. L. 109–59, §11125(b)(20)(A), by substituting "this subchapter" for "this subpart" in subsec. (c)(2) effective Dec. 29, 2007, was executed to this section **to reflect the probable intent of Congress** even though the redesignation of section 5142 of this title as this section was not effective until July 1, 2008. See 2005 Amendment and Effective Date of 2005 Amendment notes below.

§5761. Civil penalties

AMENDMENTS

2000—Subsec. (c). Pub. L. 106–554 inserted at end "This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under chapter 98 of the Harmonized Tariff Schedule of the United States, and such person may voluntarily relinquish to the Secretary at the time of entry any excess of such quantity without incurring the penalty under this subsection. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity."

Pub. L. 106–476, §4003(a), inserted at end "This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity."

Pub. L. 106–476, §4002(c), which directed amendment of the last sentence of subsec. (c) by substituting "the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States." for "the jurisdiction of the United States" and all that followed through the end period, was executed by making the substitution for "the jurisdiction of the United States, and all vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States." in the second sentence of subsec. (c) **to reflect the probable intent of Congress** and the intervening retroactive amendments by Pub. L. 106–476, §4003(a), and Pub. L. 106–554. See above.

SUBPART A—INFORMATION CONCERNING PERSONS SUBJECT TO SPECIAL PROVISIONS

Sec.	
6031.	Return of partnership income.
6032.	Returns of banks with respect to common trust funds.
6033.	Returns by exempt organizations.
6034.	Returns by certain trusts.
6034A.	Information to beneficiaries of estates and trusts.
6035.	Basis information to persons acquiring property from decedent.
6036.	Notice of qualification as executor or receiver.
6037.	Return of S corporation.
6038.	Information reporting with respect to certain foreign corporations and partnerships.
6038A.	Information with respect to certain foreign-owned corporations.
6038B.	Notice of certain transfers to foreign persons.
6038C.	Information with respect to foreign corporations engaged in U.S. business.
6038D.	Information with respect to foreign financial assets.
6039.	Returns required in connection with certain options.
[6039A, 6039B.	Repealed.]
6039C.	Returns with respect to foreign persons holding direct investments in United States real property interests.
6039D.	Returns and records with respect to certain fringe benefit plans. ¹
6039D.	Returns and records with respect to certain fringe benefit plans. ¹
6039E.	Information concerning resident status.
6039F.	Notice of large gifts received from foreign persons.
6039G.	Information on individuals losing United States citizenship.
6039H.	Information with respect to Alaska Native Settlement Trusts and sponsoring Native Corporations.
6039I.	Returns and records with respect to employer-owned life insurance contracts.
6039J.	Information reporting with respect to Commodity Credit Corporation transactions.
6040.	Cross references.

AMENDMENTS

2006—Pub. L. 109–432, div. A, title IV, §403(c)(3), Dec. 20, 2006, 120 Stat. 2955, substituted "Returns" for "Information" in item 6039.

Pub. L. 109–280, title XII, §1201(b)(4), Aug. 17, 2006, 120 Stat. 1066, which directed the amendment of the analysis for subpart A of part III of subchapter A of chapter 61 by amending item 6034 to read "Returns by certain trusts" without specifying the act to be amended, was executed to this analysis which is part of the Internal Revenue Code of 1986 which is classified to this title, **to reflect the probable intent of Congress**. Prior to amendment, item 6034 read as follows: "Returns by trusts claiming charitable deductions under section 642(c)".

Pub. L. 109–280, title VIII, §863(c)(2), Aug. 17, 2006, 120 Stat. 1024, added item 6039I.

§6033. Returns by exempt organizations

CODIFICATION

Sections 1205(b)(1), 1223(a), (b), 1235(a)(1), and 1245(a), (b) of Pub. L. 109–280, which directed the amendment of section 6033 without specifying the act to be amended, were executed to this section, which is section 6033 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§6034. Returns by certain trusts

AMENDMENTS

2006—Pub. L. 109–280, which directed the general amendment of section 6034 without specifying the act to be amended, was executed to this section, which is section 6034 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. Prior to amendment, this section consisted of subsecs. (a) to (c) stating a general rule requiring certain trusts to furnish information as the Secretary may by forms and regulations prescribe, allowing for exceptions to the rule, and providing a cross reference relating to penalties for failure to file a return.

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SUBPART B—INFORMATION CONCERNING TRANSACTIONS WITH OTHER PERSONS

- Sec.
6041. Information at source.
- 6041A. Returns regarding payments of remuneration for services and direct sales.¹
6042. Returns regarding payments of dividends and corporate earnings and profits.
6043. Liquidating, etc., transactions.
- 6043A. Returns relating to taxable mergers and acquisitions.
6044. Returns regarding payments of patronage dividends.
6045. Returns of brokers.
- 6045A. Information required in connection with transfers of covered securities to brokers.
- 6045B. Returns relating to actions affecting basis of specified securities.
6046. Returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.
- 6046A. Returns as to interests in foreign partnerships.
6047. Information relating to certain trusts and annuity plans.
6048. Information with respect to certain foreign trusts.
6049. Returns regarding payments of interest.
- [6050. Repealed.]
- 6050A. Reporting requirements of certain fishing boat operators.
- 6050B. Returns relating to unemployment compensation.
- [6050C. Repealed.]
- 6050D. Returns relating to energy grants and financing.
- 6050E. State and local income tax refunds.
- 6050F. Returns relating to social security benefits.
- 6050G. Returns relating to certain railroad retirement benefits.
- 6050H. Returns relating to mortgage interest received in trade or business from individuals.
- 6050I. Returns relating to cash received in trade or business, etc..²
- 6050J. Returns relating to foreclosures and abandonments of security.
- 6050K. Returns relating to exchanges of certain partnership interests.
- 6050L. Returns relating to certain donated property.
- 6050M. Returns relating to persons receiving contracts from Federal executive agencies.
- 6050N. Returns regarding payments of royalties.
- 6050P. Returns relating to the cancellation of indebtedness by certain entities.
- 6050Q. Certain long-term care benefits.
- 6050R. Returns relating to certain purchases of fish.
- 6050S. Returns relating to higher education tuition and related expenses.
- 6050T. Returns relating to credit for health insurance costs of eligible individuals.
- 6050U. Charges or payments for qualified long-term care insurance contracts under combined arrangements.
- 6050V. Returns relating to applicable insurance contracts in which certain exempt organizations hold interests.
- 6050W. Returns relating to payments made in settlement of payment card transactions.³

AMENDMENTS

2006—Pub. L. 109–280, title XII, §1211(a)(2), Aug. 17, 2006, 120 Stat. 1073, which directed the amendment of the analysis for subpart B of part III of subchapter A of chapter 61 by adding item 6050V, without specifying the act to be amended, was executed by adding item 6050V to this analysis, which is part of chapter 61 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

Pub. L. 109–280, title VIII, §844(d)(3), Aug. 17, 2006, 120 Stat. 1013, added item 6050U.

2004—Pub. L. 108–357, title VIII, §882(c)(2), Oct. 22, 2004, 118 Stat. 1630, which directed amendment of the analysis for subpart A of part II of subchapter A of chapter 61 of this title by substituting "Returns relating to certain donated property" for "Returns relating to certain dispositions of donated property" in item 6050L, was executed by making the substitution in item 6050L in the analysis for this subpart, **to reflect the probable intent of Congress.**

Pub. L. 108–357, title VIII, §805(c), Oct. 22, 2004, 118 Stat. 1574, added item 6043A.

§6050L. Returns relating to certain donated property

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109–280, which directed the amendment of section 6050L by adding subpars. (F) and (G) and concluding provisions and substituting "3 years" for "2 years" in introductory provisions without specifying the act to be amended, was executed to this section, which is section 6050L of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§6050V. Returns relating to applicable insurance contracts in which certain exempt organizations hold interests

CODIFICATION

Section 1211(a)(1) of Pub. L. 109–280, which directed the addition of section 6050V at the end of subpart B of part III of subchapter A of chapter 61, without specifying the act to be amended, was executed by adding section 6050V at the end of subpart B of part III of subchapter A of chapter 61 of this title, which consists of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

SUBPART D—INFORMATION REGARDING HEALTH INSURANCE COVERAGE

Sec.

6055. Reporting of health insurance coverage.

6056. Certain employers required to report on health insurance coverage.

AMENDMENTS

2010—Pub. L. 111–148, title X, §10108(j)(3)(G), Mar. 23, 2010, 124 Stat. 915, which directed substitution of "Certain employers" for "Large employers" in item 6056 in the table of sections for subpart D of part III of subchapter A of chapter 1, was executed to this table of sections, which is for subpart D of part III of subchapter A of chapter 61, **to reflect the probable intent of Congress.**

Pub. L. 111–148, title I, §1514(c), Mar. 23, 2010, 124 Stat. 258, added item 6056.

§6056. Certain employers required to report on health insurance coverage

AMENDMENTS

2010—Pub. L. 111–148, §10108(j)(3)(A), substituted "Certain" for "Large" in section catchline.

Subsec. (a). Pub. L. 111–148, §10108(j)(1), inserted "and every offering employer" before "shall".

Subsec. (b). Pub. L. 111–148, §10106(g), inserted at end "The Secretary shall have the authority to review the accuracy of the information provided under this subsection, including the applicable large employer's share under paragraph (2)(C)(iv)."

Subsec. (b)(2)(C)(i). Pub. L. 111–148, §10108(j)(3)(B)(i), inserted "in the case of an applicable large employer," before "the length".

Subsec. (b)(2)(C)(iii). Pub. L. 111–148, §10108(j)(3)(B)(ii), struck out "and" at end.

Subsec. (b)(2)(C)(iv). Pub. L. 111–148, §10108(j)(3)(B)(iv), inserted "and" at end.

Pub. L. 111–148, §10108(j)(3)(B)(iii), which directed substitution of "employer" for "applicable large employer", was executed by making the substitution for "applicable large employer's", **to reflect the probable intent of Congress.**

Subsec. (b)(2)(C)(v). Pub. L. 111–148, §10108(j)(3)(B)(v), added cl. (v).

Subsecs. (d)(2), (e). Pub. L. 111–148, §10108(j)(3)(C), (D), inserted "or offering employer" after "applicable large employer".

Subsec. (f). Pub. L. 111–148, §10108(j)(2), amended subsec. (f) generally. Prior to amendment, text read as follows: "For purposes of this section, any term used in this section which is also used in section 4980H shall have the meaning given such term by section 4980H."

§6060. Information returns of tax return preparers

AMENDMENTS

2014—Subsec. (c). Pub. L. 113–295, which directed substitution of "year." for " 'year' " and all that followed, was executed by substituting "year." for "year, except that the first return period shall be the 6-month period beginning on January 1, 1977, and ending on June 30, 1977.", to reflect the probable intent of Congress.

§6103. Confidentiality and disclosure of returns and return information

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Section 1224(b)(1) to (3) of Pub. L. 109–280, which directed the amendment of section 6103 without specifying the act to be amended, was executed to this section, which is section 6103 of the Internal Revenue Code of 1986, to reflect the probable intent of Congress. See 2006 Amendment notes below.

AMENDMENTS

1998—Subsec. (d)(5). Pub. L. 105–206, §6009(d), substituted "section 976 of the Taxpayer Relief Act of 1997. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph." for "section 967 of the Taxpayer Relief Act of 1997."

Subsec. (e)(1)(A)(ii) to (iv). Pub. L. 105–206, §6007(f)(4), redesignated cls. (iii) and (iv) as (ii) and (iii), respectively, and struck out former cl. (ii) which read as follows: "if property transferred by that individual to a trust is sold or exchanged in a transaction described in section 644, the trustee or trustees, jointly or separately, of such trust to the extent necessary to ascertain any amount of tax imposed upon the trust by section 644,".

Subsec. (e)(6). Pub. L. 105–206, §6019(c), substituted "(5), (8), or (9)" for "or (5)".

Subsec. (f)(5). Pub. L. 105–206, §3708(a), added par. (5).

Subsec. (h)(4)(A). Pub. L. 105–206, §6023(22), inserted "if" before "the taxpayer is a party to".

Subsec. (h)(5). Pub. L. 105–277, §4002(a), redesignated par. (5), relating to Internal Revenue Service Oversight Board, as (6).

Pub. L. 105–206, §1101(b), added par. (5), relating to Internal Revenue Service Oversight Board.

Subsec. (h)(6). Pub. L. 105–277, §4002(a), redesignated par. (5), relating to Internal Revenue Service Oversight Board, as (6).

Subsec. (j)(5). Pub. L. 105–277, §4006(a)(1), added par. (5).

Subsec. (k)(8), (9). Pub. L. 105–206, §6012(b)(2), redesignated par. (8), relating to disclosure of information to administer section 6311, as (9).

Subsec. (l)(10). Pub. L. 105–206, §3711(b), in heading substituted "subsection (c), (d), or (e) of section 6402" for "section 6402(c) or 6402(d)" and in text substituted "(c), (d), or (e)" for "(c) or (d)" wherever appearing.

Subsec. (l)(13)(D). Pub. L. 105–277, §1006, substituted "September 30, 2003" for "September 30, 1998".

Subsec. (l)(17). Pub. L. 105–206, §3702(a), added par. (17).

Subsec. (p)(3)(A). Pub. L. 105–277, §4002(h), inserted "(f)(5)," after "(c), (e),".

Pub. L. 105–206, §6012(b)(4), provided that section 1205(c)(3) of Pub. L. 105–34 shall be applied as if it struck "or (8)" and inserted "(8), or (9)". See 1997 Amendment note below.

Pub. L. 105–206, §3702(b)(1), substituted "(16), or (17)" for "or (16)".

Subsec. (p)(4). Pub. L. 105–277, §4006(a)(2), substituted "(j)(1), (2), or (5)" for "(j)(1) or (2)" in introductory provisions.

Pub. L. 105–206, §3702(b)(2), substituted ", (14), or (17)" for "or (14)" in introductory provisions.

Subsec. (p)(4)(F)(ii). Pub. L. 105–277, §4006(a)(2), substituted "(j)(1), (2), or (5)" for "(j)(1) or (2)".

Pub. L. 105–206, §3702(b)(3), substituted ", (15), or (17)" for "or (15)".

Subsec. (p)(4). Pub. L. 105–34, §1283(b), substituted "(h)(5)" for "(h)(6)" in introductory provisions and in subpar. (F)(ii).

Pub. L. 105–34, §1026(b)(1)(B), inserted "(k)(8)," after "(j)(1) or (2)," in introductory provisions and in subpar. (F)(ii).

Pub. L. 105–33, §11024(b)(7)(B)–(F), substituted "to such agency, body, or commission, including an agency or any other person described in subsection (l)(16)," for "to such agency, body, or commission", and ", (12)(B), or (16)" for "or (12)(B)", and inserted "or any person including an agent described in subsection (l)(16)," before "this paragraph shall", "or other person" before "(except that", and "or any person including an agent described in subsection (l)(16)," before "any report". Amendments were executed to provisions following subpar. (F)(iii) **to reflect the probable intent of Congress**, notwithstanding directory language directing amendment of "section 6103(p)(4)(F) in the matter following clause (iii)".

Pub. L. 105–33, §11024(b)(7)(A), which directed amendment of "section 6103(p)(4)(F) in the matter following clause (iii)" by inserting after "any such agency, body or commission" and before the words "for the General Accounting Office" the words ", including an agency or any other person described in subsection (l)(16)," was executed by making the insertion after "any such agency, body, or commission" and before "or the General Accounting Office" in concluding provisions following subpar. (F)(iii) **to reflect the probable intent of Congress**.

Pub. L. 105–33, §11024(b)(5), which directed substitution of "(12), or (16), or any other person described in subsection (l)(16)" for "or (12)" in introductory provisions, could not be executed because the words "or (12)" did not appear subsequent to amendment by Pub. L. 104–168, §1206(b)(3)(C). See 1996 Amendments note below.

Pub. L. 105–33, §5514(a)(1), repealed Pub. L. 104–193, §110(l)(5). See 1996 Amendments note below.

Subsec. (p)(4)(F)(i). Pub. L. 105–33, §11024(b)(6), substituted "(9), or (16), or any other person described in subsection (l)(16)" for "or (9)".

1996—Subsec. (a)(3). Pub. L. 104–193, §316(g)(4)(B)(i), substituted "paragraph (6) or (12) of subsection (l)" for "(l)(12)".

Subsec. (c). Pub. L. 104–168, §1207, substituted "request for or consent to such disclosure" for "written request for or consent to such disclosure".

Subsec. (e)(1)(A)(iv). Pub. L. 104–188, §1704(t)(41), substituted "section 1(g) or 59(j)" for "section 1(i) or 59(j)".

Subsec. (e)(8). Pub. L. 104–168, §403(a), added par. (8).

Subsec. (e)(9). Pub. L. 104–168, §902(a), added par. (9).

Subsec. (i)(8). Pub. L. 104–168, §1206(b)(1), struck out par. (8) which read as follows:

"(8) DISCLOSURE OF RETURNS FILED UNDER SECTION 6050I.—The Secretary may, upon written request, disclose returns filed under section 6050I to officers and employees of any Federal agency whose official duties require such disclosure for the administration of Federal criminal statutes not related to tax administration."

Subsec. (l)(3)(C). Pub. L. 104–134, §31001(i)(2), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "For purposes of this paragraph, the term 'included Federal loan program' means any program—

"(i) under which the United States or a Federal agency makes, guarantees, or insures loans, and

"(ii) with respect to which there is in effect a determination by the Director of the Office of

Management and Budget (which has been published in the Federal Register) that the application of this paragraph to such program will substantially prevent or reduce future delinquencies under such program."

Subsec. (l)(6)(B). Pub. L. 104–193, §316(g)(4)(A), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (l)(6)(C). Pub. L. 104–193, §316(g)(4)(B)(ii), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "The Secretary shall disclose return information under subparagraph (A) only for purposes of, and to the extent necessary in, establishing and collecting child support obligations from, and locating, individuals owing such obligations."

Pub. L. 104–193, §316(g)(4)(A), redesignated subpar. (B) as (C).

Subsec. (l)(7)(D)(i). Pub. L. 104–193, §110(l)(2), formerly §110(l)(3), as renumbered by Pub. L. 105–33, §5514(a)(2), substituted "a State program funded" for "aid to families with dependent children provided under a State plan approved".

Subsec. (l)(10). Pub. L. 104–193, §110(l)(4)(A), which directed substitution of "(c), (d), or (e)" for "(c) or (d)" wherever appearing, was repealed by Pub. L. 105–33, §5514(a)(1).

Subsec. (l)(10)(A). Pub. L. 104–134, §31001(g)(2), inserted "and to officers and employees of the Department of the Treasury in connection with such reduction" after "6402" in introductory provisions.

Subsec. (l)(10)(B). Pub. L. 104–193, §110(l)(4)(B), which directed insertion, at end, of "Any return information disclosed with respect to section 6402(e) shall only be disclosed to officers and employees of the State agency requesting such information.", was repealed by Pub. L. 105–33, §5514(a)(1).

Subsec. (l)(15). Pub. L. 104–168, §1206(a), added par. (15).

Subsec. (p)(3)(A). Pub. L. 104–168, §1206(b)(2), substituted "or (7)(A)(ii)" for "(7)(A)(ii), or (8)" and

"(14), or (15)" for "or (14)".

Subsec. (p)(4). Pub. L. 104–193, §316(g)(4)(B)(iii), substituted "paragraph (6)(A) or (12)(B) of subsection (l)" for "subsection (l)(12)(B)" in provisions following subpar. (F)(iii).

Pub. L. 104–193, §110(l)(5), which directed substitution, in introductory provisions, of "(9), (10), or (12)" for "(9), or (12)" and "(5)" for "(5), (10)", was repealed by Pub. L. 105–33, §5514(a)(1).

Pub. L. 104–168, §1206(b)(3)(B), which directed amendment of introductory provisions of par. (4) by substituting "(i)(3)(B)(i)," for "(i)(3)(B)(i), or (8)", was executed by making the substitution for "(i)(3)(B)(i) or (8)" **to reflect the probable intent of Congress.**

Pub. L. 104–168, §1206(b)(3)(A), (C), substituted "or (5)" for "(5), or (8)" and "(9), (12), or (15)" for "(9), or (12)" in introductory provisions.

Subsec. (p)(4)(F)(ii). Pub. L. 104–168, §1206(b)(4), substituted "or (5)" for "(5), or (8)" and "(14), or (15)" for "or (14)".

1990—Subsec. (e)(1)(A)(iv). Pub. L. 101–508, §11101(d)(6), which directed the substitution of "section 1(g)" for "section 1(j)", could not be executed because "section 1(j)" did not appear in text after amendment by Pub. L. 100–647, §1014(e)(4). See 1988 Amendment note below.

Subsec. (k)(7). Pub. L. 101–508, §11212(b)(3), added par. (7).

Subsec. (l)(7). Pub. L. 101–508, §8051(a), substituted ", the Food Stamp Act of 1977, or title 38, United States Code" for "or the Food Stamp Act of 1977" in heading and added cl. (viii) and concluding provisions at end of subpar. (D).

Subsec. (l)(12)(F). Pub. L. 101–508, §4203(a)(2), substituted "September 30, 1995" for "September 30, 1991" in cl. (i), "1994" for "1990" in cl. (ii)(I), and "1995" for "1991" in cl. (ii)(II).

Subsec. (m)(7). Pub. L. 101–508, §5111(b)(1), added par. (7).

Subsec. (n). Pub. L. 101–508, §11313(a), substituted "the programming" for "and the programming" and inserted "and the providing of other services,".

Subsec. (p)(4). Pub. L. 101–508, §5111(b)(2), which directed the substitution of "paragraph (2), (4), (6), or (7) of subsection (m)" for "subsection (m)(2), (4), or (6)" in the provisions of par. (4) "following subparagraph (f)(iii)", was executed by making the substitution in the provisions following subpar. (F)(iii), **to reflect the probable intent of Congress.**

1984—Subsec. (a)(2). Pub. L. 98–369, §2651(k)(2), substituted ", any local child support enforcement agency, or any local agency administering a program listed in subsection (l)(7)(D)" for "or of any local child support enforcement agency".

Subsec. (d)(1). Pub. L. 98–369, §449(a), substituted "44, 45, 51" for "44, 51".

Subsec. (l)(5). Pub. L. 98–369, §2663(j)(5)(E), substituted "Secretary of Health and Human Services" for "Secretary of Health, Education, and Welfare" in heading and text.

Subsec. (l)(6)(A)(i). Pub. L. 98–378, §19(b)(1), inserted "social security account number (or numbers, if the individual involved has more than one such number),".

Subsec. (l)(7). Pub. L. 98–369, §2651(k)(1), substituted provisions relating to information disclosure to Federal, State and local agencies administering programs under the Social Security Act or the Food Stamp Act of 1977 for former provisions which related to information disclosure by the Social Security Administration to the Department of Agriculture and State food stamp agencies.

Pub. L. 98–369, §453(b)(5), amended directory language of Pub. L. 96–249, §127(a)(1). See 1980 Amendment note below.

Subsec. (l)(8). Pub. L. 98–369, §453(b)(6), directed that the par. (7) added by Pub. L. 96–265 be redesignated as par. (8). See 1980 Amendment note below.

Subsec. (l)(8)(A). Pub. L. 98–378, §19(b)(2), substituted "social security account numbers, net earnings" for "net earnings".

Subsec. (l)(9). Pub. L. 98–369, §453(a), added par. (9).

Subsec. (l)(10). Pub. L. 98–369, §2653(b)(3)(A), added par. (10).

Subsec. (l)(11). Pub. L. 98–378, §21(f)(1), added par. (11).

Subsec. (p)(3)(A). Pub. L. 98–378, §21(f)(2), substituted "(10), or (11)" for "or (10)".

Pub. L. 98–369, §2653(b)(3)(B)(i), substituted "(9), or (10)" for "or (9)".

Pub. L. 98–369, §453(b)(1), which directed that "(5), (7), (8), or (9)" be substituted for "(5), or (7)", was executed by substituting "(5), (7), (8), or (9)" for "(5), (7), or (8)" **to reflect the probable intent of Congress.**

Subsec. (p)(4). Pub. L. 98–378, §21(f)(3), substituted "(10), or (11)" for "or (10)" in provisions preceding subpar. (A).

Pub. L. 98–369, §2653(b)(3)(B)(ii), substituted "(l)(1), (2), (3), (5), or (10)" for "(l)(1), (2), (3), or (5)" in provisions preceding subpar. (A).

Pub. L. 98–369, §453(b)(2), which directed that "(7), (8), or (9)" be substituted for "or (7)" in provisions preceding subpar. (A), was executed by substituting "(7), (8), or (9)" for "(7), or (8)" **to reflect the probable**

intent of Congress.

Subsec. (p)(4)(F)(i). Pub. L. 98-369, §453(b)(3), which directed that "(l)(6), (7), (8), or (9)" be substituted for "(l)(6) or (7)", was executed by substituting "(l)(6), (7), (8), or (9)" for "(l)(6), (7), or (8)" **to reflect the probable intent of Congress.**

Subsec. (p)(4)(F)(ii). Pub. L. 98-378, §21(f)(4), substituted "(10), or (11)" for "or (10)".

Pub. L. 98-369, §2653(b)(3)(B)(iii), substituted "(l)(1), (2), (3), (5), or (10)" for "(l)(1), (2), (3), or (5)".

1982—Subsec. (a)(3). Pub. L. 97-365, §8(c)(1), substituted "paragraph (2) or (4)(B) of subsection (m)" for "subsection (m)(4)(B)".

Subsec. (i)(1) to (5). Pub. L. 97-248, §356(a), added pars. (1) to (5). Former pars. (1) to (5) were struck out.

Subsec. (i)(6). Pub. L. 97-248, §356(a), added par. (6). Former par. (6) redesignated (7).

Subsec. (i)(7). Pub. L. 97-258, §3(f)(4), substituted "section 713 of title 31, United States Code" for "section 117 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 67)" in subpar. (A)(i). Notwithstanding the directory language that amendment be made to subsec. (i)(6), the amendment was executed to subsec. (i)(7) **to reflect the probable intent of Congress** and the intervening redesignation of subsec. (i)(6) as (i)(7) by Pub. L. 97-248.

Pub. L. 97-248, §§356(a), 358(a), (b), redesignated former par. (6) as (7) and, in par. (7) as so redesignated, substituted "subparagraph (C)" for "subparagraph (B)" in subpar. (A), added subpar. (B), redesignated former subpar. (B) as (C), and in subpar. (C) as so redesignated substituted "subparagraph (A) or (B)" for "subparagraph (A)".

Subsec. (l)(3). Pub. L. 97-365, §7(a), substituted provisions relating to the disclosure to heads of Federal agencies administering Federal loan programs whether or not an applicant for a loan under such program has a tax delinquent account, for provisions which related to disclosure of returns and return information to Privacy Protection Study Commission.

Subsec. (l)(4)(A)(ii). Pub. L. 97-258, §3(f)(5), substituted "section 330 of title 31, United States Code" for "section 3 of the Act of July 7, 1884 (23 Stat. 258; 31 U.S.C. 1026)".

Subsec. (m)(2). Pub. L. 97-365, §8(a), designated existing provisions as subpar. (A), inserted reference to exception provided by subpar. (B) and substituted "disclose the mailing address of a taxpayer for use by officers, employees, or agents of a Federal agency for purposes of locating such taxpayer" for "disclose the mailing address of a taxpayer to officers and employees of an agency personally and directly engaged in, and solely for their use in, preparation for any administrative or judicial proceeding (or investigation which may result in such a proceeding)", and added subpar. (B).

Pub. L. 97-258, §3(f)(6), substituted "section 3711 of title 31, United States Code" for "section 3 of the Federal Claims Collection Act of 1966".

Subsec. (p)(3)(A). Pub. L. 97-248, §356(b)(1)(A), substituted "(7)(A)(ii)" for "(6)(A)(ii)".

Subsec. (p)(3)(C)(i). Pub. L. 97-365, §7(b)(1), substituted "(l)(6)" for "(l)(3) or (6)".

Pub. L. 97-248, §356(b)(1)(B), inserted ", (i)(3)(B)(i)," after "described in subsection (d)".

Subsec. (p)(3)(C)(i)(II). Pub. L. 97-248, §356(b)(1)(C), inserted "or otherwise" after "such requests".

Subsec. (p)(4). Pub. L. 97-365, §7(b)(2), substituted "(l)(1), (2), (3)," for "(l)(1), (2)," and "(l)(6)," for "(l)(3), (6)," in introductory provisions, and in subpar. (F)(ii) substituted "(l)(1), (2), (3), or (5), or (o)(1)," for "(l)(1), (2), or (5), or (o)(1), the commission described in subsection (l)(3)".

Pub. L. 97-365, §8(b), inserted last sentence providing that in the case of any agency which receives any mailing address under subsection (m)(2) or (4) and which discloses any such mailing address to any agent, this paragraph shall apply to such agency and each such agent (except that, in the case of an agent, any report to the Secretary or other action with respect to the Secretary shall be made or taken through such agency).

Pub. L. 97-248, §356(b)(1)(D), (E), substituted "(i)(1), (2), (3), or (5)" for "(i)(1), (2), or (5)" wherever appearing, and inserted ", (i)(3)(B)(i)," after "(d)" wherever appearing.

Subsec. (p)(6)(B)(i). Pub. L. 97-248, §356(b)(1)(F), substituted "subsection (i)(7)(A)(ii)" for "subsection (i)(6)(A)(ii)".

§6104. Publicity of information required from certain exempt organizations and certain trusts

CODIFICATION

Sections 1201(b)(3), 1224(a), (b)(4), and 1225(a) of Pub. L. 109-280, which directed the amendment of section 6104 without specifying the act to be amended, were executed to this section, which is section 6104 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.** See 2006 Amendment notes below.

§6109. Identifying numbers

2007—Subsec. (a)(4). Pub. L. 110–28, §8246(a)(2)(D)(ii), which directed amendment of heading by substituting "tax return preparer" for "income return preparer", was executed by making the substitution for "income tax return preparer", **to reflect the probable intent of Congress**.

Pub. L. 110–28, §8246(a)(2)(D)(i), substituted "a tax return preparer" for "an income tax return preparer".

§6211. Definition of a deficiency

2007—Subsec. (b)(4)(A). Pub. L. 110–172, which directed amendment of subpar. (A) by substituting "34, and 35" for "and 34", was executed by inserting "35," after "34,", **to reflect the probable intent of Congress** and the amendment of subpar. (A) by section 402(b)(1) of Pub. L. 109–432. See 2006 Amendment note below.

§6213. Restrictions applicable to deficiencies; petition to Tax Court

CODIFICATION

Pub. L. 113–295, div. A, title II, §214(a)(2), Dec. 19, 2014, 128 Stat. 4034, which directed that subsec. (g)(2) of this section be amended by striking "and" at the end of subpar. (O), by striking the period at the end of subpar. (P) and inserting ", and", and by inserting after subpar. (P) a new subpar. (Q), effective as if included in the provisions of Pub. L. 110–185 to which the amendments relate, could not literally be executed insofar as it directed the amendments to subpars. (O) and (P) because subsec. (g)(2), at the time of enactment of Pub. L. 110–185, did not contain subpars. (N) to (P). However, the amendment was considered to be executed by making the conforming amendments to subpars. (O) and (P) as added by sections 11(h) and 12(d) of Pub. L. 111–92, **to reflect the probable intent of Congress** and to allow for additional amendments by Pub. L. 113–295, which presume that such conforming amendments had taken place. See 2014 Amendment notes below.

§6302. Mode or time of collection

AMENDMENTS

1990—Subsec. (b). Pub. L. 101–508, §11801(c)(22)(A), which directed the substitution of "chapter 21, 31, 32, or 33, or by section 4481" for "chapter 21" and all that follows down through "chapter 37," was executed by making the substitution for "chapters 21, 31, 32, 33, section 4481 of chapter 36, section 4501(a) of chapter 37" **to reflect the probable intent of Congress**. See 1996 Amendment note above.

Subsec. (e). Pub. L. 101–508, §11217(b)(1), inserted "communications services and" before "airline" in heading and "section 4251 or" after "imposed by" in text.

Subsec. (g). Pub. L. 101–508, §11334(a), amended subsec. (g) generally, striking out par. (1) designation and striking heading, striking out ", for the years specified in paragraph (2)," after "such person shall", substituting "on the 1st banking day" for "on the applicable banking day", and striking out par. (2), which provided that for purposes of par. (1) the applicable banking day for 1990 is the 1st, for 1991 the 2nd, for 1992 the 3rd, for 1993 the 1st, and for 1994 the 1st.

§6416. Certain taxes on sales and services

CODIFICATION

Section 1207(e) of Pub. L. 109–280, which directed the amendment of section 6416 without specifying the act to be amended, was executed to this section, which is section 6416 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

AMENDMENTS

2010—Subsec. (b)(2). Pub. L. 111–152 inserted at end of concluding provisions "In the case of the tax imposed by section 4191, subparagraphs (B), (C), (D), and (E) shall not apply."

2007—Subsec. (a)(4)(C). Pub. L. 110–172 substituted "ultimate vendor or credit card issuer has certified" for "ultimate vendor" and all that follows through "has certified" and substituted "all ultimate purchasers of the vendor or credit card issuer are certified" for "all ultimate purchasers of the vendor" and all that follows through "are certified". See 2005 Amendment note below.

2006—Subsec. (b)(2). Pub. L. 109–280, §1207(e)(1)(B), (C), in concluding provisions, substituted "Subparagraphs (C), (D), and (E)" for "Subparagraphs (C) and (D)" and "(B), (C), (D), and (E)" for "(B), (C), and (D)" and inserted at end "In the case of taxes imposed by subchapter C or D of chapter 32, subparagraph (E) shall not apply." See Codification note above.

Subsec. (b)(2)(E) to (G). Pub. L. 109–280, §1207(e)(1)(A), added subpar. (E) and redesignated former subpars. (E) and (F) as (F) and (G), respectively. See Codification note above.

Subsec. (b)(4)(B)(iii). Pub. L. 109–280, §1207(e)(2), added cl. (iii). See Codification note above.

2005—Subsec. (a)(4). Pub. L. 109–59, §11163(b)(1)(E), inserted "or credit card issuer" after "vendor" in heading.

Subsec. (a)(4)(A). Pub. L. 109–59, §11163(b)(1)(A), inserted "except as provided in subparagraph (B)," after "For purposes of this subsection,".

Subsec. (a)(4)(B). Pub. L. 109–59, §11163(b)(1)(B), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (a)(4)(C). Pub. L. 109–59, §11163(b)(1)(D), which directed the insertion of "or credit card issuer" after "vendor", was executed by inserting "or credit card issuer" after "vendor" both places it appeared, **to reflect the probable intent of Congress.**

Pub. L. 109–59, §11163(b)(1)(B), (C), redesignated subpar. (B) as (C) and substituted "subparagraph (A) or (B)" for "subparagraph (A)".

Subsec. (b)(2). Pub. L. 109–59, §11163(b)(2), inserted at end "Subparagraphs (C) and (D) shall not apply in the case of any tax imposed on gasoline under section 4081 if the requirements of subsection (a)(4) are not met."

§6420. Gasoline used on farms

AMENDMENTS

1983—Subsec. (c)(4)(B). Pub. L. 97–424, §511(f), substituted provision that, if the person so using the gasoline is an aerial or other applicator of fertilizers or other substances and is the ultimate purchaser of the gasoline, and the person described in subparagraph (A) waives (at such time and in such form and manner as the Secretary shall prescribe) his right to be treated as the user and ultimate purchaser of the gasoline, then subparagraph (A) of this paragraph shall not apply and the aerial or other applicator shall be treated as having used such gasoline on a farm for farming purposes, for provision that, if the person so using the gasoline were an aerial applicator who was the ultimate purchaser of the gasoline and the person described in subparagraph (A) waived (at such time and in such form and manner as the Secretary was to prescribe) his right to be treated as the user and ultimate purchaser of the gasoline, then subparagraph (A) of this paragraph would not apply and the aerial applicator would be treated as having used such gasoline on a farm for farming purposes.

Subsec. (h). Pub. L. 97–424, §516(b)(4), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (h)(4). Pub. L. 97–473 purported to add par. (4). See Amendment note below for subsec. (i)(4).

Subsec. (i). Pub. L. 97–424, §516(b)(4), redesignated former subsec. (h) as (i).

Subsec. (i)(4). Pub. L. 97–473 added par. (4). Notwithstanding the directory language that par. (4) be added to subsec. (h), it was added to subsec. (i) **to reflect the probable intent of Congress** and the intervening redesignation of subsec. (h) as (i) by Pub. L. 97–424.

§6421. Gasoline used for certain nonhighway purposes, used by local transit systems, or sold for certain exempt purposes

AMENDMENTS

2006—Subsec. (c). Pub. L. 109–280, which directed the substitution of "(5), or (6)" for "or (5)" in section 6421(c), without specifying the act to be amended, was executed by making the substitution in subsec. (c) of this section, which is section 6421 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§6426. Credit for alcohol fuel, biodiesel, and alternative fuel mixtures

AMENDMENTS

2014—Subsec. (c)(6). Pub. L. 113–295, §160(a)(1), substituted "December 31, 2014" for "December 31, 2013".

Subsecs. (d)(5), (e)(3). Pub. L. 113–295, §160(c)(1), which directed striking out "(September 30, 2014 in the case of any sale or use involving liquefied hydrogen)", was executed by striking out "(September 30, 2014, in the case of any sale or use involving liquefied hydrogen)" before period at end, **to reflect the probable intent of Congress.**

Pub. L. 113–295, §160(b)(1), substituted "December 31, 2014" for "December 31, 2013".

§6427. Fuels not used for taxable purposes

AMENDMENTS

2008—Subsec. (e)(5). Pub. L. 110–343, §203(c)(2), added par. (5). Former par. (5) redesignated (6).

Subsec. (e)(5)(B). Pub. L. 110–343, §202(a), substituted "December 31, 2009" for "December 31, 2008".

Subsec. (e)(6). Pub. L. 110–343, §203(c)(2), redesignated par. (5) as (6).

Subsec. (e)(6)(C). Pub. L. 110–343, §204(a)(3), which directed amendment of subsec. (e)(5)(C) by substituting "December 31, 2009" for "September 30, 2009", was executed by making the substitution in par. (6)(C), **to reflect the probable intent of Congress** and the redesignation of par. (5) as (6) by Pub. L. 110–343, §203(c)(2). See above.

2005—Subsec. (e). Pub. L. 109–59, §11113(b)(3)(C)(ix), substituted ", biodiesel, or alternative fuel" for "or biodiesel used to produce alcohol fuel and biodiesel mixtures" in heading.

Subsec. (e)(1). Pub. L. 109–59, §11113(b)(3)(C)(i), inserted "or the alternative fuel mixture credit" after "biodiesel mixture credit".

Subsec. (e)(2). Pub. L. 109–59, §11113(b)(3)(C)(iii), added par. (2). Former par. (2) redesignated (3).

Subsec. (e)(3). Pub. L. 109–59, §11113(b)(3)(C)(iv), substituted "under paragraph (1) or (2) with respect to any mixture or alternative fuel" for "under paragraph (1) with respect to any mixture".

Pub. L. 109–59, §11113(b)(3)(C)(ii), redesignated par. (2) as (3).

Subsec. (e)(4). Pub. L. 109–59, §11113(b)(3)(C)(v), added par. (4).

Subsec. (e)(4)(B). Pub. L. 109–58, §1344(a), which directed amendment of par. (4)(B) by substituting "2008" for "2006", could not be executed because there was no par. (4) prior to amendment by Pub. L. 109–59, §11113(b)(3)(C)(v). See 2007 Amendment note above relating to subsec. (e)(5)(B).

Subsec. (e)(5). Pub. L. 109–59, §11113(b)(3)(C)(ii), which directed amendment of subsec. (e) by redesignating par. (4) as (5), could not be executed because there was no par. (4) prior to amendment by Pub. L. 109–59, §11113(b)(3)(C)(v). See 2005 and 2007 Amendment notes above.

Subsec. (e)(5)(C), (D). Pub. L. 109–59, §11113(b)(3)(C)(vi)–(viii), added subpars. (C) and (D).

Subsec. (f). Pub. L. 109–59, §11151(a)(1), struck out subsec. (f) which related to payment by Secretary of an amount equal to the excess of the regular tax rate over the incentive tax rate with respect to any gasoline,

diesel fuel, kerosene, or aviation fuel on which tax was imposed by section 4081 or 4091 at the regular tax rate, which is used by any person in producing a mixture described in section 4081(c) or 4091(c)(1)(A), and which is sold or used in such person's trade or business.

Subsec. (i)(1), (2)(A). Pub. L. 109–58, §1343(b)(3), inserted "(m)," after "(l)," in par. (1) and in par. (2)(A) in introductory provisions.

Subsec. (i)(4)(A). Pub. L. 109–59, §11161(b)(3)(D)(ii), which directed amendment of subpar. (A) by substituting "subsections (b)(4), (l)(5), and (l)(6)" for "subsection (b)(4) and subsection (l)(5)" in concluding provisions, was executed by making the substitution for "subsections (b)(4) and subsection (l)(5)" **to reflect the probable intent of Congress.**

Pub. L. 109–59, §11161(b)(3)(D)(i), substituted "paragraph (4)(B), (5), or (6)" for "paragraph (4)(B) or (5)" in two places.

Subsec. (l). Pub. L. 109–59, §11161(b)(3)(B), substituted "and kerosene" for ", kerosene and aviation fuel" in heading.

Subsec. (l)(2). Pub. L. 109–59, §11161(b)(2)(A), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "For purposes of this subsection, the term 'nontaxable use' means—

"(A) in the case of diesel fuel or kerosene, any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax, and

"(B) in the case of aviation-grade kerosene—

"(i) any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax, or

"(ii) any use in commercial aviation (within the meaning of section 4083(b))."

Subsec. (l)(4). Pub. L. 109–59, §11161(b)(3)(E)(iv), substituted "kerosene used in commercial aviation" for "aviation-grade kerosene" in heading.

Subsec. (l)(4)(A). Pub. L. 109–59, §11161(b)(3)(E)(i), struck out "aviation-grade" before "kerosene" in introductory provisions.

Subsec. (l)(4)(A)(ii). Pub. L. 109–59, §11161(b)(3)(E)(ii), substituted "section 4081(a)(2)(iii)" for "section 4081(a)(2)(A)(iv)".

Subsec. (l)(4)(B). Pub. L. 109–59, §11161(b)(3)(E)(iii), substituted "kerosene used in commercial aviation as described in subparagraph (A)" for "aviation-grade kerosene" in introductory provisions.

Subsec. (l)(5). Pub. L. 109–59, §11161(b)(2)(B), added par. (5). Former par. (5) redesignated (6).

Subsec. (l)(6). Pub. L. 109–59, §11162(b), struck out "farmers and" before "State and local governments" in heading.

Pub. L. 109–59, §11161(b)(2)(B), redesignated par. (5) as (6).

Subsec. (l)(6)(A). Pub. L. 109–59, §11162(a), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "Paragraph (1) shall not apply to diesel fuel or kerosene used—

"(i) on a farm for farming purposes (within the meaning of section 6420(c)), or

"(ii) by a State or local government."

Subsec. (l)(6)(B). Pub. L. 109–59, §11161(b)(3)(F), substituted "kerosene used in aviation" for "aviation-grade kerosene" in introductory provisions.

Subsec. (l)(6)(C). Pub. L. 109–59, §11163(c)(1), substituted "Except as provided in subparagraph (D), the amount" for "The amount" in introductory provisions.

Subsec. (l)(6)(D). Pub. L. 109–59, §11163(c)(2), added subpar. (D).

Subsecs. (m), (n). Pub. L. 109–58, §1343(b)(1), added subsec. (m) and redesignated former subsec. (m) as (n). Former subsec. (n) redesignated (o).

Subsec. (o). Pub. L. 109–58, §1343(b)(1), redesignated subsec. (n) as (o). Former subsec. (o) redesignated (p).

Pub. L. 109–59, §11151(a)(2), which directed the redesignation of subsec. (p) as (o) and the striking of former subsec. (o), to be treated as not having been enacted. See Construction of Amendment by Pub. L. 109–59 note below.

Subsec. (p). Pub. L. 109–58, §1343(b)(1), redesignated subsec. (o) as (p). Former subsec. (p) redesignated (q).

Pub. L. 109–59, §11151(a)(2), which directed the redesignation of subsec. (p) as (o), to be treated as not having been enacted. See Construction of Amendment by Pub. L. 109–59 note below.

Subsec. (q). Pub. L. 109–58, §1343(b)(1), redesignated subsec. (p) as (q).

2004—Subsec. (b)(4). Pub. L. 108–357, §857(b), added par. (4).

Subsec. (e). Pub. L. 108–357, §301(c)(9), added subsec. (e).

Subsec. (h). Pub. L. 108–357, §870(b), amended heading and text of subsec. (h) generally. Prior to amendment, text read as follows: "Except as provided in subsection (k), if any gasoline blend stock or additive (within the meaning of section 4083(a)(2)) is not used by any person to produce gasoline and such person establishes that the ultimate use of such gasoline blend stock or additive is not to produce gasoline, the Secretary shall pay (without interest) to such person an amount equal to the aggregate amount of the tax imposed on such person with respect to such gasoline blend stock or additive."

Subsec. (i)(2)(C). Pub. L. 108–357, §851(d)(3), added subpar. (C).

Subsec. (i)(3). Pub. L. 108–357, §301(c)(10)(F), substituted "alcohol fuel and biodiesel mixture" for "alcohol mixture" in heading.

Subsec. (i)(3)(A). Pub. L. 108–357, §301(c)(10)(A)–(C), substituted "a mixture described in section 6426" for "gasoline, diesel fuel, or kerosene used to produce a qualified alcohol mixture (as defined in section 4081(c)(3))" in introductory provisions, substituted "subsection (e)(1)" for "subsection (f)" in two places, and inserted concluding provisions.

Subsec. (i)(3)(B). Pub. L. 108–357, §301(c)(10)(D), (E), substituted "subsection (e)(1)" for "subsection (f)(1)" and "45 days of the date of the filing of such claim (20 days in the case of an electronic claim)" for "20 days of the date of the filing of such claim".

Subsec. (i)(4)(A). Pub. L. 108–357, §857(c), which directed the insertion of "subsections (b)(4) and" after "filed under", was executed by making the insertion in concluding provisions, **to reflect the probable intent of Congress.**

Pub. L. 108–357, §853(c)(2), substituted "paragraph (4)(B) or (5) of subsection (l)" for "subsection (l)(5)" in introductory provisions and in cl. (i) and substituted "subsection (l)(5)" for "the preceding sentence" before period at end of concluding provisions.

Subsec. (j)(1). Pub. L. 108–357, §853(d)(2)(J), substituted "and 4081" for ", 4081, and 4091".

Subsec. (l)(1). Pub. L. 108–357, §853(d)(2)(K)(i), reenacted heading without change and amended text of par. (1) generally. Prior to amendment, text read as follows: "Except as otherwise provided in this subsection and in subsection (k), if—

"(A) any diesel fuel or kerosene on which tax has been imposed by section 4041 or 4081, or

"(B) any aviation fuel on which tax has been imposed by section 4091,

is used by any person in a nontaxable use, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of tax imposed on such fuel under section 4041, 4081, or 4091, as the case may be."

Subsec. (l)(2)(B). Pub. L. 108–357, §853(c)(3), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "in the case of aviation fuel, any use which is exempt from the tax imposed by section 4041(c)(1) other than by reason of a prior imposition of tax."

Subsec. (l)(3)(B). Pub. L. 108–357, §241(a)(2)(D), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "so much of the rate specified in section 4081(a)(2)(A) as does not exceed—

"(i) 6.8 cents per gallon after September 30, 1993, and before October 1, 1995,

"(ii) 5.55 cents per gallon after September 30, 1995, and before November 1, 1998, and

"(iii) 4.3 cents per gallon after October 31, 1998."

Subsec. (l)(4). Pub. L. 108–357, §853(c)(1), amended heading and text of par. (4) generally. Text read as follows: "In the case of fuel used in commercial aviation (as defined in section 4092(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4091 as is attributable to—

"(A) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

"(B) in the case of fuel purchased after September 30, 1995, so much of the rate of tax specified in section 4091(b)(1) as does not exceed 4.3 cents per gallon."

Subsec. (l)(5)(B). Pub. L. 108–357, §853(d)(2)(K)(ii), substituted "Paragraph (1) shall not apply to kerosene (other than aviation-grade kerosene)" for "Paragraph (1)(A) shall not apply to kerosene" in introductory provisions.

1986—Subsec. (a). Pub. L. 99-514, §1703(e)(2)(A), substituted "subsection (k)" for "subsection (j)".

Subsec. (b)(1). Pub. L. 99-514, §1899A(55), substituted "otherwise provided in this subsection" for "provided in paragraph (2)".

Pub. L. 99-514, §1703(e)(2)(A), substituted "subsection (k)" for "subsection (j)".

Subsec. (b)(2)(A). Pub. L. 99-514, §1877(b)(2), substituted "subparagraphs (B) and (C)" for "subparagraph (B)".

Subsec. (b)(2)(B). Pub. L. 99-514, §1877(b)(1), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (b)(2)(C). Pub. L. 99-514, §1877(b)(1), (3), redesignated subpar. (B) as (C) and substituted "Exception for certain intracity transportation" for "Exception" in heading. Former subpar. (C) redesignated (D).

Subsec. (b)(2)(D). Pub. L. 99-514, §1877(b)(1), redesignated former subpar. (C) as (D).

Subsecs. (c), (d), (e)(1). Pub. L. 99-514, §1703(e)(2)(A), substituted "subsection (k)" for "subsection (j)".

Subsec. (e)(3). Pub. L. 99-514, §422(b), substituted "September 30, 1988" for "September 30, 1985".

Subsec. (f)(1). Pub. L. 99-514, §1703(e)(2)(A), substituted "subsection (k)" for "subsection (j)".

Pub. L. 99-499, §521(c)(3)(C), which directed the substitution of "at the Highway Trust Fund financing rate" for "at the rate", was executed by making the substitution for the first such reference as the probable intent of Congress.

Subsec. (g)(1). Pub. L. 99-514, §1899A(56), substituted "amount" for "anount".

Pub. L. 99-514, §1703(e)(2)(A), substituted "subsection (k)" for "subsection (j)".

Subsec. (h). Pub. L. 99-514, §1703(e)(1)(B), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 99-514, §1703(e)(1)(A), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 99-514, §1703(d)(1)(B)(i), (e)(2)(B), struck out "(f)" after "subsection (a), (b), (c), (d), (e)," and substituted "(g), or (h)" for "or (g)".

Subsec. (i)(2)(A). Pub. L. 99-514, §1703(d)(1)(B)(ii), inserted "or" at end of cl. (i), struck out "or" at end of cl. (ii), and struck out cl. (iii) which read as follows: "\$200 or more is payable under subsection (f)".

Subsec. (i)(2)(A)(i). Pub. L. 99-514, §1703(e)(2)(C), substituted "(g), and (h)" for "and (g)".

Subsec. (i)(2)(B). Pub. L. 99-514, §1703(d)(1)(B)(ii)(III), struck out "(or clauses)" after "referred to in the clause". Notwithstanding directory language that the amendment be made to subpar. (A) of this par., the amendment was executed to subpar. (B), the only place in the section where "(or clauses)" appeared, **to reflect the probable intent of Congress.**

Pub. L. 99-514, §1703(d)(1)(B)(iii), struck out "or clause (iii)" after "If the requirements of clause (ii)". Notwithstanding directory language that the amendment be made to subsec. (f)(2)(B) of this section, the amendment was executed to subsec. (i)(2)(B), the only place in the section where "or clause (iii)" appeared, **to reflect the probable intent of Congress.**

Subsec. (i)(3). Pub. L. 99-514, §1703(d)(1), added par. (3).

Subsec. (j). Pub. L. 99-514, §1703(e)(1)(A), redesignated subsec. (i) as (j). Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 99-514, §1703(e)(1)(A), redesignated subsec. (j) as (k). Former subsec. (k) redesignated (l).

Subsec. (h). Pub. L. 99-514, §1703(e)(1)(B), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 99-514, §1703(e)(1)(A), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 99-514, §1703(d)(1)(B)(i), (e)(2)(B), struck out "(f)" after "subsection (a), (b), (c), (d), (e)," and substituted "(g), or (h)" for "or (g)".

Subsec. (i)(2)(A). Pub. L. 99-514, §1703(d)(1)(B)(ii), inserted "or" at end of cl. (i), struck out "or" at end of cl. (ii), and struck out cl. (iii) which read as follows: "\$200 or more is payable under subsection (f)."

Subsec. (i)(2)(A)(i). Pub. L. 99-514, §1703(e)(2)(C), substituted "(g), and (h)" for "and (g)".

Subsec. (i)(2)(B). Pub. L. 99-514, §1703(d)(1)(B)(ii)(III), struck out "(or clauses)" after "referred to in the clause". Notwithstanding directory language that the amendment be made to subpar. (A) of this par., the amendment was executed to subpar. (B), the only place in the section where "(or clauses)" appeared, **to reflect the probable intent of Congress.**

Pub. L. 99-514, §1703(d)(1)(B)(iii), struck out "or clause (iii)" after "If the requirements of clause (ii)". Notwithstanding directory language that the amendment be made to subsec. (f)(2)(B) of this section, the amendment was executed to subsec. (i)(2)(B), the only place in the section where "or clause (iii)" appeared, **to reflect the probable intent of Congress.**

Subsec. (i)(3). Pub. L. 99-514, §1703(d)(1), added par. (3).

Subsec. (j). Pub. L. 99-514, §1703(e)(1)(A), redesignated subsec. (i) as (j). Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 99-514, §1703(e)(1)(A), redesignated subsec. (j) as (k). Former subsec. (k) redesignated (l).

1984—Subsecs. (a), (b)(1). Pub. L. 98-369, §911(d)(2)(B), substituted "subsection (j)" for "subsection (i)".

Subsec. (b)(2), (3). Pub. L. 98-369, §915(a), added par. (2) and redesignated former par. (2) as (3).

Subsecs. (c), (d), (e)(1). Pub. L. 98-369, §911(d)(2)(B), substituted "subsection (j)" for "subsection (i)".

Subsec. (e)(3). Pub. L. 98-369, §914, substituted "September 30, 1985" for "September 30, 1984".

Subsec. (f)(1). Pub. L. 98-369, §911(d)(2)(B), substituted "subsection (j)" for "subsection (i)".

Pub. L. 98-369, §912(d), substituted "52/3 cents" for "45/9 cents".

Pub. L. 98-369, §732(a)(3), substituted "45/9 cents" for "5 cents".

Subsec. (g). Pub. L. 98-369, §911(b), added subsec. (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 98-369, §911(b), redesignated former subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (h)(1). Pub. L. 98-369, §911(d)(2)(C), substituted "(f), or (g)" for "or (f)", and inserted "(or a qualified diesel powered highway vehicle purchased)" after "fuel used" in two places.

Subsec. (h)(2)(A). Pub. L. 98-369, §911(d)(2)(D), substituted "(e), and (g)" for "and (e)", and inserted "(or a qualified diesel powered highway vehicle purchased)" after "fuel used" in two places.

Subsec. (i). Pub. L. 98-369, §911(b), redesignated former subsec. (h) as (i). Former subsec. (i) redesignated

(j).

Subsec. (i)(3). Pub. L. 98-369, §474(r)(38), substituted "section 34" for "section 39".

Subsec. (j). Pub. L. 98-369, §911(b), redesignated former subsec. (i), relating to income tax credit in lieu of payment, as (j). Former subsec. (j), relating to special rules with respect to noncommercial aviation, redesignated (k).

Pub. L. 98-369, §734(c)(2), added subsec. (j) relating to special rules with respect to noncommercial aviation. Former subsec. (j), relating to regulations, redesignated (k).

Subsec. (j)(2). Pub. L. 98-369, §911(d)(2)(E), which directed the amendment of subsec. (k)(2) by substituting "(h)(2)" for "(g)(2)" was executed to subsec. (j)(2) **to reflect the probable intent of Congress.**

Subsec. (k). Pub. L. 98-369, §911(b), redesignated former subsec. (j), relating to special rules with respect to noncommercial aviation, as (k). Former subsec. (k), relating to regulations, redesignated (l).

Pub. L. 98-369, §734(c)(2), redesignated former subsec. (j), relating to regulations, as (k). Former subsec. (k), relating to termination of subsections, redesignated (l).

Subsec. (l). Pub. L. 98-369, §911(b), redesignated former subsec. (k), relating to regulations, as (l). Former subsec. (l), relating to termination of subsections, redesignated (m).

Pub. L. 98-369, §734(c)(2), redesignated former subsec. (k), relating to termination of subsections, as (l). Former subsec. (l), relating to cross references, redesignated (m).

Subsec. (m). Pub. L. 98-369, §911(b), (d)(2)(F), redesignated former subsec. (l), relating to termination of subsections, as (m) and substituted "(d), and (g)" for "and (d)" in heading and text. Former subsec. (m), relating to cross references, redesignated (n).

Pub. L. 98-369, §734(c)(2), redesignated former subsec. (l), relating to cross references, as (m).

Subsec. (n). Pub. L. 98-369, §911(b), redesignated former subsec. (m), relating to cross references, as (n).

1983—Subsec. (a). Pub. L. 97-424, §511(g)(2)(B), substituted "section 4041(a) or (c)" for "section 4041(a), (b), or (c)".

Subsec. (b)(1). Pub. L. 97-424, §511(g)(2)(C), substituted "subsection (a) of section 4041" for "subsection (a) or (b) of section 4041" wherever appearing.

Subsec. (c). Pub. L. 97-424, §511(g)(2)(D), substituted "section 4041(a) or (c)" for "section 4041(a), (b), or (c)".

Subsec. (e)(1). Pub. L. 97-424, §511(e)(1), substituted "an amount determined at the rate of 4 cents a gallon" for "an amount equal to the aggregate amount of the tax imposed on such gasoline or fuel".

Subsec. (e)(2)(A)(ii). Pub. L. 97-424, §511(e)(3), struck out "is not prohibited under the laws, regulations, or procedures of such Federal, State, or local authority, and" after "(ii)".

Subsec. (e)(3). Pub. L. 97-424, §511(e)(2), substituted "September 30, 1984" for "December 31, 1982".

Subsec. (f)(1). Pub. L. 97-424, §511(d)(4), substituted "on which a tax" for "on which tax", inserted "at the rate of 9 cents a gallon" after "is imposed by section 4081", and substituted "the amount determined at the rate of 5 cents a gallon" for "the aggregate amount of the tax imposed on such gasoline".

Subsec. (f)(2). Pub. L. 97-424, §511(d)(4), substituted provision that no amount shall be payable under paragraph (1) with respect to any gasoline with respect to which an amount is payable under subsection (d) or (e) of this section or under section 6420 or 6421, for provision that no amount would be payable under subsection (d) or (e) of this section or under section 6420 or 6421 with respect to any gasoline with respect to which an amount was payable under paragraph (1).

Subsec. (k). Pub. L. 97-424, §516(b)(5), added subsec. (k). Former subsec. (k) redesignated (l).

Subsec. (k)(3). Pub. L. 97-473 purported to add par. (3). See par. below for subsec. (l)(3).

Subsec. (l). Pub. L. 97-424, §516(b)(5), redesignated former subsec. (k) as (l).

Subsec. (l)(3). Pub. L. 97-473 added par. (3). Notwithstanding the directory language that par. (3) be added to subsec. (k), it was added to subsec. (l) **to reflect the probable intent of Congress** and the intervening redesignation of subsec. (k) as (l) by Pub. L. 97-424.

§6501. Limitations on assessment and collection

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-34, §1284(a), inserted at end "For purposes of this chapter, the term 'return' means the return required to be filed by the taxpayer (and does not include a return of any person from whom the taxpayer has received an item of income, gain, loss, deduction, or credit)."

Subsec. (c)(8). Pub. L. 105-34, §1145(a), amended heading and text of par. (8) generally. Prior to amendment, text read as follows: "In the case of any tax imposed on any exchange or distribution by reason of

subsection (a), (d), or (e) of section 367, the time for assessment of such tax shall not expire before the date which is 3 years after the date on which the Secretary is notified of such exchange or distribution under section 6038B(a)."

Subsec. (c)(9). Pub. L. 105-34, §506(b), reenacted par. (9) heading without change and amended text of par. (9) generally. Prior to amendment, text read as follows: "If any gift of property the value of which is determined under section 2701 or 2702 (or any increase in taxable gifts required under section 2701(d)) is required to be shown on a return of tax imposed by chapter 12 (without regard to section 2503(b)), and is not shown on such return, any tax imposed by chapter 12 on such gift may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time. The preceding sentence shall not apply to any item not shown as a gift on such return if such item is disclosed in such return, or in a statement attached to the return, in a manner adequate to apprise the Secretary of the nature of such item."

Subsec. (m). Pub. L. 105-34, §1601(g)(2), provided that sections 1703(n)(8) and 1704(j)(4)(B) of Pub. L. 104-188 shall be applied as if the reference in the directory language to the redesignation by section 1602 referred to the redesignation by section 1702. See 1996 Amendment note below.

Subsec. (n)(3). Pub. L. 105-34, §1239(e)(2), which directed the addition of par. (3) to subsec. (o), was executed by adding par. (3) to subsec. (n) **to reflect the probable intent of Congress** and the redesignation of subsec. (o) as (n) by Pub. L. 104-188, §1702(e)(3)(A). See 1996 Amendment note below.

§6503. Suspension of running of period of limitation

AMENDMENTS

1996—Subsec. (j). Pub. L. 104-188, §1702(h)(17)(A), which directed that the subsection relating to extension in case of certain summonses be redesignated as (j), could not be executed, because that subsection (formerly subsec. (k)) was previously redesignated (j) by Pub. L. 101-508, §11801(c)(20)(A). See 1990 Amendment note below.

Pub. L. 104-168, §1002(c), which directed that subsec. (k) be redesignated as (j), could not be executed, because that subsection was redesignated (j) by Pub. L. 101-508, §11801(c)(20)(A). See 1990 Amendment note below.

Subsec. (j)(1). Pub. L. 104-168, §1002(b), which directed substitution of "to a corporation (or to any other person to whom the corporation has transferred records) with respect to any return of tax by such corporation for a taxable year (or other period) for which such corporation is being examined under the coordinated examination program (or any successor program) of the Internal Revenue Service" for "with respect to any return of tax by a corporation" in subsec. (k)(1), was executed by making the substitution in subsec. (j)(1) **to reflect the probable intent of Congress** and the amendment by Pub. L. 101-508, §11801(c)(20)(A), which redesignated subsec. (k) as (j). See 1990 Amendment note below.

Subsec. (j)(2)(A). Pub. L. 104-168, §1002(a), which directed addition of cl. (i) and redesignation of former cls. (i) and (ii) as (ii) and (iii), respectively, in subsec. (k)(2)(A), was executed by making the amendment in subsec. (j)(2)(A) **to reflect the probable intent of Congress** and the amendment by Pub. L. 101-508, §11801(c)(20)(A), which redesignated subsec. (k) as (j). See 1990 Amendment note below.

Subsec. (k). Pub. L. 104-188, §1702(h)(17)(B), redesignated the subsection relating to cross references (subsec. (l)) as (k).

Pub. L. 104-188, §1702(h)(17)(A), which directed that the subsection relating to extension in case of certain summonses be redesignated as (j), could not be executed, because that subsection (formerly subsec. (k)) was previously redesignated (j) by Pub. L. 101-508, §11801(c)(20)(A). See 1990 Amendment note below.

Pub. L. 104-168, §1002(c), which directed that subsec. (k) be redesignated as (j), could not be executed, because that subsection was redesignated (j) by Pub. L. 101-508, §11801(c)(20)(A). See 1990 Amendment note below.

Subsec. (l). Pub. L. 104-188, §1702(h)(17)(B), redesignated the subsection relating to cross references (subsec. (l)) as (k).

Pub. L. 104-168, §1002(c), which directed that subsec. (l) be redesignated as (k), could not be executed, because that subsection was redesignated (k) by Pub. L. 104-188, §1702(h)(17). See above and see Effective Date of 1996 Amendments note below.

§6515. Cross references

AMENDMENTS

1978—Par. (6). Pub. L. 95–600 inserted "regulated investment company or" before "real estate investment trust" and substituted "section 860" for "section 859". Notwithstanding the directory language that the amendment be made to par. (5), the amendment was executed to par. (6) **to reflect the probable intent of Congress**.

§6652. Failure to file certain information returns, registration statements, etc.

CODIFICATION

Sections 1201(b)(2) and 1223(d) of Pub. L. 109–280, which directed the amendment of section 6652 without specifying the act to be amended, were executed to this section, which is section 6652 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

Pub. L. 101–140, §203(a)(1), amended this section to read as if the amendments made by section 1151(b) of Pub. L. 99–514 (enacting subsec. (l)) had not been enacted. Subsequent to enactment by Pub. L. 99–514, subsec. (l) was amended by Pub. L. 100–203, Pub. L. 100–647, and Pub. L. 101–239. See 1989, 1988, and 1987 Amendment notes below.

1993—Subsec. (k). Pub. L. 103–66, which directed amendment of section by adding subsec. (k) before the last subsection, was executed by adding subsec. (k) after subsec. (j) **to reflect the probable intent of Congress**.

1983—Subsec. (a)(1)(A). Pub. L. 98–67, §105(b)(1)(B), struck out cls. (ii), (iii), and (iv), redesignated cls. (v) and (vi) as (ii) and (iii), respectively, and in cl. (iii), as so redesignated, struck out "6042(e), 6044(f), 6049(e), or" before "6051(d)".

Subsec. (a)(2), (3). Pub. L. 98–67, §105(b)(1)(A), (C), added par. (2), redesignated former par. (2) as (3), and in par. (3), as so redesignated, inserted references to paragraph (2) in provisions preceding subpar. (A) and in provisions of subpar. (A) preceding cl. (i).

Subsec. (a). Pub. L. 97–448, which directed that "or" be struck out at end of subpar. (F) of par. (1), "or" be inserted at end of par. (2), a new par. (3) be added, and that in provision following par. (3), "paragraph (2) or (3)" be substituted for "paragraph (2)", was executed by striking out "or" at end of subpar. (A)(vi) of par. (1), inserting "or" at end of subpar. (B)(iv) of par. (1), redesignating par. (3) as subpar. (C) and adding such subpar. (C), to par. (1), and in provision following subpar. (C) substituting "subparagraph (B) or (C)" for "subparagraph (B)", **to reflect the probable intent of Congress** and the intervening amendment of subsec. (a) by section 315(a) of Pub. L. 97–248 which redesignated former par. (1) as subpar. (A), former subpars. (A) to (F) as cls. (i) to (vi), and former par. (2) as subpar. (B), and in provision following subpar. (B) as so redesignated, substituted "subparagraph (B)" for "paragraph (2)".

§6655. Failure by corporation to pay estimated income tax

AMENDMENTS

1983—Subsec. (f)(2)(B). Pub. L. 97–448 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "to the extent allowed under regulations prescribed by the Secretary, any amount which is treated under section 6429 as an overpayment of the tax imposed by section 4986". Notwithstanding directory language that amendment be made to subsec. (e)(2)(B), the amendment was executed to subsec. (f)(2)(B) **to reflect the probable intent of Congress**, the intervening redesignation of subsec. (e) as (f) by Pub. L. 97–248, and the retrospective effect of the amendment as provided by section 203(a), (b) of Pub. L. 97–448, set out as an Effective Date of 1983 Amendment note under section 4988 of this title.

§6662. Imposition of accuracy-related penalty on underpayments

CODIFICATION

Section 1409(b)(1), (2) of Pub. L. 111–152, which directed the amendment of section 6662 without specifying the act to be amended, was executed to this section, which is section 6662 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2010 Amendment notes below.

Section 1219(a)(1), (2) of Pub. L. 109–280, which directed the amendment of section 6662 without specifying the act to be amended, was executed to this section, which is section 6662 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

§6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions

CODIFICATION

Section 1409(b)(3) of Pub. L. 111–152, which directed the amendment of section 6662A without specifying the act to be amended, was executed to this section, which is section 6662A of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2010 Amendment note below.

§6664. Definitions and special rules

CODIFICATION

Section 1409(c) of Pub. L. 111–152, which directed the amendment of section 6664 without specifying the act to be amended, was executed to this section, which is section 6664 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2010 Amendment notes below.

Section 1219(a)(3), (c)(2) of Pub. L. 109–280, which directed the amendment of section 6664 without specifying the act to be amended, was executed to this section, which is section 6664 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

PART I—GENERAL PROVISIONS

Sec.

- 6671. Rules for application of assessable penalties.
- 6672. Failure to collect and pay over tax, or attempt to evade or defeat tax.
- 6673. Sanctions and costs awarded by courts.
- 6674. Fraudulent statement or failure to furnish statement to employee.
- 6675. Excessive claims with respect to the use of certain fuels.
- 6676. Erroneous claim for refund or credit.
- 6677. Failure to file information with respect to certain foreign trusts.
- [6678. Repealed.]
- 6679. Failure to file returns, etc., with respect to foreign corporations or foreign partnerships.
- [6680, 6681. Repealed.]
- 6682. False information with respect to withholding.
- [6683. Repealed.]
- 6684. Repeated liability for tax under chapter 42.¹
- 6685. Assessable penalty with respect to public inspection requirements for certain tax-exempt organizations.
- 6686. Failure to file returns or supply information by DISC or FSC.²
- [6687. Repealed.]
- 6688. Assessable penalties with respect to information required to be furnished under section 7654.

- 6689. Failure to file notice of redetermination of foreign tax.
- 6690. Fraudulent statement or failure to furnish statement to plan participant.
- [6691. Reserved.]
- 6692. Failure to file actuarial report.
- 6693. Failure to provide reports on certain tax-favored accounts or annuities; penalties relating to designated nondeductible contributions.
- 6694. Understatement of taxpayer's liability by tax return preparer.
- 6695. Other assessable penalties with respect to the preparation of tax returns for other persons.
- 6695A. Substantial and gross valuation misstatements attributable to incorrect appraisals.
- 6696. Rules applicable with respect to sections 6694, 6695, and 6695A.
- [6697. Repealed.]
- 6698. Failure to file partnership return.
- [6698A. Repealed.]
- 6699. Failure to file S corporation return.
- 6700. Promoting abusive tax shelters, etc.
- 6701. Penalties for aiding and abetting understatement of tax liability.
- 6702. Frivolous tax submissions.
- 6703. Rules applicable to penalties under sections 6700, 6701, and 6702.
- 6704. Failure to keep records necessary to meet reporting requirements under section 6047(d).
- 6705. Failure by broker to provide notice to payors.
- 6706. Original issue discount information requirements.
- 6707. Failure to furnish information regarding reportable transactions.
- 6707A. Penalty for failure to include reportable transaction information with return.
- 6708. Failure to maintain lists of advisees with respect to reportable transactions.
- 6709. Penalties with respect to mortgage credit certificates.
- 6710. Failure to disclose that contributions are nondeductible.
- 6711. Failure by tax-exempt organization to disclose that certain information or service available from Federal Government.
- 6712. Failure to disclose treaty-based return positions.
- 6713. Disclosure or use of information by preparers of returns.
- 6714. Failure to meet disclosure requirements applicable to quid pro quo contributions.
- 6715. Dyed fuel sold for use or used in taxable use, etc.
- 6715A. Tampering with or failing to maintain security requirements for mechanical dye injection systems.
- [6716. Repealed.]
- 6717. Refusal of entry.
- 6718. Failure to display tax registration on vessels.
- 6719. Failure to register or reregister.
- 6720. Fraudulent acknowledgments with respect to donations of motor vehicles, boats, and airplanes.
- 6720A. Penalty with respect to certain adulterated fuels.
- 6720B. Fraudulent identification of exempt use property.
- 6720C. Penalty for failure to notify health plan of cessation of eligibility for COBRA premium assistance.

AMENDMENTS

2007—Pub. L. 110–142, §9(b), Dec. 20, 2007, 121 Stat. 1807, which directed amendment of the analysis for this part by adding item 6699 at the end, was executed by inserting item 6699 after item 6698, **to reflect the probable intent of Congress.**

2006—Pub. L. 109–432, div. A, title IV, §407(e), Dec. 20, 2006, 120 Stat. 2962, substituted "tax submissions" for "income tax return" in item 6702.

Pub. L. 109–280, title XII, §§1215(c)(2), 1219(b)(3), Aug. 17, 2006, 120 Stat. 1079, 1084, which directed amendment of the analysis for part I of subchapter B of chapter 68 by adding items 6695A and 6720B and substituting "6694, 6695, and 6695A" for "6694 and 6695" in item 6696, without specifying the act to be amended, was executed by making the amendments to this analysis, which is part of chapter 68 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§6676. Erroneous claim for refund or credit

CODIFICATION

Section 1409(d) of Pub. L. 111–152, which directed the amendment of section 6676 without specifying the act to be amended, was executed to this section, which is section 6676 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.** See 2010 Amendment note below.

§6679. Failure to file returns, etc., with respect to foreign corporations or foreign partnerships

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108–357, §413(c)(29)(A), which directed substitution of "6046 and 6046A" for "6035, 6046, and 6046A" was executed by making the substitution for "6035, 6046, or 6046A" **to reflect the probable intent of Congress.**

Subsec. (a)(3). Pub. L. 108–357, §413(c)(29)(B), struck out heading and text of par. (3). Text read as follows: "In the case of a return required under section 6035, paragraph (1) shall be applied by substituting '\$1,000' for '\$10,000', and paragraph (2) shall not apply."

§6695A. Substantial and gross valuation misstatements attributable to incorrect appraisals

CODIFICATION

Section 1219(b)(1) of Pub. L. 109–280, which directed the addition of section 6695A at the end of part I of subchapter B of chapter 68, without specifying the act to be amended, was executed by adding section 6695A at the end of part I of subchapter B of chapter 68 of this title, which consists of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§6696. Rules applicable with respect to sections 6694, 6695, and 6695A

CODIFICATION

Section 1219(b)(2) of Pub. L. 109–280, which directed the amendment of section 6696 without specifying the act to be amended, was executed to this section, which is section 6696 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.** See 2006 Amendment note below.

§6699. Failure to file S corporation return

CODIFICATION

Section 9(a) of Pub. L. 110–142, which directed amendment of this part by adding this section at the end, was executed by inserting this section after section 6698, **to reflect the probable intent of Congress.**

§6707. Failure to furnish information regarding reportable transactions

1997—Subsec. (a)(1). Pub. L. 105–34, §1028(d)(2), which directed the substitution of "paragraph (2) or (3), as the case may be" for "paragraph (2)" in subpar. (A) of par. (1), was executed by making the substitution in the concluding provisions of par. (1) **to reflect the probable intent of Congress.**

Subsec. (a)(2). Pub. L. 105–34, §1028(d)(1), substituted "Except as provided in paragraph (3), the penalty" for "The penalty".

Subsec. (a)(3). Pub. L. 105–34, §1028(b), added par. (3).

§6720B. Fraudulent identification of exempt use property

CODIFICATION

Section 1215(c)(1) of Pub. L. 109–280, which directed the addition of section 6720B at the end of part I of subchapter B of chapter 68, without specifying the act to be amended, was executed by adding section 6720B at the end of part I of subchapter B of chapter 68 of this title, which consists of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§6720C. Penalty for failure to notify health plan of cessation of eligibility for COBRA premium assistance

AMENDMENTS

2010—Subsec. (a). Pub. L. 111–144, which directed substitution of "section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009" for "section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009", was executed by making the substitution for "section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009" **to reflect the probable intent of Congress.**

§6721. Failure to file correct information returns

AMENDMENTS

2006—Subsec. (e)(2)(D). Pub. L. 109–280, which directed the addition of subpar. (D) to section 6721(e)(2), without specifying the act to be amended, was executed by making the addition to subsec. (e)(2) of this section, which is section 6721 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

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§6724. Waiver; definitions and special rules

CODIFICATION

Section 1211(b)(1) of Pub. L. 109–280, which directed the amendment of section 6724 without specifying the act to be amended, was executed to this section, which is section 6724 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

Amendments to subsec. (d)(2) of this section by section 1901(c)(1) of Pub. L. 104–188 were executed before amendments by sections 1116(b)(2)(B) and 1455(a)(2) of Pub. L. 104–188, **to reflect the probable intent of Congress**.

AMENDMENTS

2015—Subsec. (d)(1)(D). Pub. L. 114–41, §2004(b)(2)(A), which directed amendment of subsec. (d)(1) by "adding at the end" subpar. (D), was executed by adding subpar. (D) after subpar. (C) **to reflect the probable intent of Congress**.

Subsec. (d)(2)(II). Pub. L. 114–41, §2004(b)(2)(B), which directed amendment of subsec. (d)(2) by "adding at the end" subpar. (II), was executed by adding subpar. (II) after subpar. (HH) **to reflect the probable intent of Congress**.

Subsec. (f). Pub. L. 114–27 added subsec. (f).

1998—Subsec. (c). Pub. L. 105–206, §6012(d), inserted before period at end "(more than 100 information returns in the case of a partnership having more than 100 partners)".

Subsec. (d)(1)(A). Pub. L. 105–206, §6012(b)(5), made a technical amendment to directory language of Pub. L. 105–34, §1213(b). See 1997 Amendment note below.

Subsec. (d)(1)(B)(x) to (xiv). Pub. L. 105–206, §6004(a)(3), made a technical amendment to directory language of Pub. L. 105–34, §201(c)(2)(A). See 1997 Amendment note below.

Subsec. (d)(1)(B)(xv). Pub. L. 105–206, §6010(o)(4)(B), struck out "or" at end.

Pub. L. 105–206, §6004(a)(3), made a technical amendment to directory language of Pub. L. 105–34, §201(c)(2)(A). See 1997 Amendment note below.

Subsec. (d)(1)(B)(xvi). Pub. L. 105–206, §6010(o)(4)(B), which directed the substitution of "; or" for period at end, was executed by making the substitution for ", and" at end, **to reflect the probable intent of Congress**.

Pub. L. 105–206, §6004(a)(3), made a technical amendment to directory language of Pub. L. 105–34, §201(c)(2)(A). See 1997 Amendment note below.

Subsec. (d)(1)(B)(xvii). Pub. L. 105–206, §6010(o)(4)(B), added cl. (xvii).

Subsec. (d)(2)(AA). Pub. L. 105–206, §6010(o)(4)(C), as amended by Pub. L. 106–554, §1(a)(7)[title III, §319(23)(B)], added subpar. (AA).

1996—Subsec. (d)(1)(A)(viii). Pub. L. 104–188, §1116(b)(2)(A), added cl. (viii).
Subsec. (d)(1)(B)(ix), (x). Pub. L. 104–191, §323(b)(1), added cl. (ix) and redesignated former cl. (ix) as (x). Former cl. (x) redesignated (xi).
Subsec. (d)(1)(B)(xi). Pub. L. 104–191, §323(b)(1), redesignated cl. (x) as (xi). Former cl. (xi) redesignated (xii).
Pub. L. 104–188, §1702(b)(1), made technical amendment to directory language of Pub. L. 101–508, §11212(e)(1). See 1990 Amendment note below.
Subsec. (d)(1)(B)(xii). Pub. L. 104–191, §323(b)(1), redesignated cl. (xi) as (xii). Former cl. (xii) redesignated (xiii).
Pub. L. 104–188, §1702(c)(2)(A), struck out "or" at end.
Pub. L. 104–188, §1702(b)(1), made technical amendment to directory language of Pub. L. 101–508, §11212(e)(1). See 1990 Amendment note below.
Subsec. (d)(1)(B)(xiii). Pub. L. 104–191, §323(b)(1), redesignated cl. (xii) as (xiii). Former cl. (xiii) redesignated (xiv).
Pub. L. 104–188, §1702(c)(2)(B), substituted ", or" for period at end.
Subsec. (d)(1)(B)(xiv), (xv). Pub. L. 104–191, §323(b)(1), redesignated cls. (xiii) and (xiv) as (xiv) and (xv), respectively.
Subsec. (d)(1)(C). Pub. L. 104–188, §1455(a)(1), which directed the amendment of par. (1) by inserting a new subpar. (C) after subpar. (B), was executed by making the insertion after subpar. (B)(xv), **to reflect the probable intent of Congress**.
Subsec. (d)(2)(Q). Pub. L. 104–191, §323(b)(2), added subpar. (Q). Former subpar. (Q) redesignated (R).
Subsec. (d)(2)(R). Pub. L. 104–191, §323(b)(2), redesignated subpar. (Q) as (R). Former subpar. (R) redesignated (S).
Pub. L. 104–188, §1116(b)(2)(B), added subpar. (R). Former subpar. (R) redesignated (S).
Subsec. (d)(2)(S). Pub. L. 104–191, §323(b)(2), redesignated subpar. (R) as (S). Former subpar. (S) redesignated (T).
Pub. L. 104–188, §1116(b)(2)(B), redesignated subpar. (R) as (S). Former subpar. (S) redesignated (T). See Codification note above.
Pub. L. 104–188, §1901(c)(1), struck out "or" at end. See Codification note above.
Subsec. (d)(2)(T). Pub. L. 104–191, §323(b)(2), redesignated subpar. (S) as (T). Former subpar. (T) redesignated (U).
Pub. L. 104–188, §1116(b)(2)(B), redesignated subpar. (S) as (T). Former subpar. (T) redesignated (U). See Codification note above.
Pub. L. 104–188, §1901(c)(1), substituted ", or" for period at end. See Codification note above.
Subsec. (d)(2)(U). Pub. L. 104–191, §323(d)(1), redesignated subpar. (T), relating to section 6053(b) or (c), as (U).

Pub. L. 104–188, §1455(a)(2), struck out "or" at end. See Codification note above.
Pub. L. 104–188, §1116(b)(2)(B), redesignated subpar. (T) as (U). Former subpar. (U) redesignated (V). See Codification note above.
Pub. L. 104–188, §1901(c)(1), added subpar. (U). See Codification note above.
Subsec. (d)(2)(V). Pub. L. 104–188, §1455(a)(2), substituted a comma for period at end.
Pub. L. 104–188, §1116(b)(2)(B), redesignated subpar. (U) as (V).
Subsec. (d)(2)(W), (X). Pub. L. 104–188, §1455(a)(2), added subpars. (W) and (X).
Subsec. (d)(3)(C). Pub. L. 104–188, §1615(a)(2)(B), inserted "and" at end.
Subsec. (d)(3)(D). Pub. L. 104–188, §1615(a)(2)(B), redesignated subpar. (E) as (D) and struck out former subpar. (D) which read as follows: "the requirement of section 6109(e) that a person include the TIN of any dependent on his return, and".
Subsec. (d)(3)(E). Pub. L. 104–188, §1615(a)(2)(B), redesignated subpar. (E) as (D).
Pub. L. 104–188, §1704(j)(3), substituted "section 6109(h)" for "section 6109(f)" in introductory provisions.

§6724. Waiver; definitions and special rules

CODIFICATION

Section 1211(b)(1) of Pub. L. 109–280, which directed the amendment of section 6724 without specifying the act to be amended, was executed to this section, which is section 6724 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**. See 2006 Amendment notes below.

Amendments to subsec. (d)(2) of this section by section 1901(c)(1) of Pub. L. 104–188 were executed before amendments by sections 1116(b)(2)(B) and 1455(a)(2) of Pub. L. 104–188, **to reflect the probable intent of Congress**.

AMENDMENTS

2015—Subsec. (d)(1)(D). Pub. L. 114–41, §2004(b)(2)(A), which directed amendment of subsec. (d)(1) by "adding at the end" subpar. (D), was executed by adding subpar. (D) after subpar. (C) **to reflect the probable intent of Congress**.

Subsec. (d)(2)(II). Pub. L. 114–41, §2004(b)(2)(B), which directed amendment of subsec. (d)(2) by "adding at the end" subpar. (II), was executed by adding subpar. (II) after subpar. (HH) **to reflect the probable intent of Congress**.

Subsec. (f). Pub. L. 114–27 added subsec. (f).

1998—Subsec. (c). Pub. L. 105–206, §6012(d), inserted before period at end "(more than 100 information returns in the case of a partnership having more than 100 partners)".

Subsec. (d)(1)(A). Pub. L. 105–206, §6012(b)(5), made a technical amendment to directory language of Pub. L. 105–34, §1213(b). See 1997 Amendment note below.

Subsec. (d)(1)(B)(x) to (xiv). Pub. L. 105–206, §6004(a)(3), made a technical amendment to directory language of Pub. L. 105–34, §201(c)(2)(A). See 1997 Amendment note below.

Subsec. (d)(1)(B)(xv). Pub. L. 105–206, §6010(o)(4)(B), struck out "or" at end.

Pub. L. 105–206, §6004(a)(3), made a technical amendment to directory language of Pub. L. 105–34, §201(c)(2)(A). See 1997 Amendment note below.

Subsec. (d)(1)(B)(xvi). Pub. L. 105–206, §6010(o)(4)(B), which directed the substitution of "; or" for period at end, was executed by making the substitution for ", and" at end, **to reflect the probable intent of Congress**.

Pub. L. 105–206, §6004(a)(3), made a technical amendment to directory language of Pub. L. 105–34, §201(c)(2)(A). See 1997 Amendment note below.

Subsec. (d)(1)(B)(xvii). Pub. L. 105–206, §6010(o)(4)(B), added cl. (xvii).

Subsec. (d)(2)(AA). Pub. L. 105–206, §6010(o)(4)(C), as amended by Pub. L. 106–554, §1(a)(7)[title III, §319(23)(B)], added subpar. (AA).

1996—Subsec. (d)(1)(A)(viii). Pub. L. 104–188, §1116(b)(2)(A), added cl. (viii).

Subsec. (d)(1)(B)(ix), (x). Pub. L. 104–191, §323(b)(1), added cl. (ix) and redesignated former cl. (ix) as (x). Former cl. (x) redesignated (xi).

Subsec. (d)(1)(B)(xi). Pub. L. 104–191, §323(b)(1), redesignated cl. (x) as (xi). Former cl. (xi) redesignated (xii).

Pub. L. 104–188, §1702(b)(1), made technical amendment to directory language of Pub. L. 101–508,

§11212(e)(1). See 1990 Amendment note below.

Subsec. (d)(1)(B)(xii). Pub. L. 104–191, §323(b)(1), redesignated cl. (xi) as (xii). Former cl. (xii) redesignated (xiii).

Pub. L. 104–188, §1702(c)(2)(A), struck out "or" at end.

Pub. L. 104–188, §1702(b)(1), made technical amendment to directory language of Pub. L. 101–508, §11212(e)(1). See 1990 Amendment note below.

Subsec. (d)(1)(B)(xiii). Pub. L. 104–191, §323(b)(1), redesignated cl. (xii) as (xiii). Former cl. (xiii) redesignated (xiv).

Pub. L. 104–188, §1702(c)(2)(B), substituted ", or" for period at end.

Subsec. (d)(1)(B)(xiv), (xv). Pub. L. 104–191, §323(b)(1), redesignated cls. (xiii) and (xiv) as (xiv) and (xv), respectively.

Subsec. (d)(1)(C). Pub. L. 104–188, §1455(a)(1), which directed the amendment of par. (1) by inserting a new subpar. (C) after subpar. (B), was executed by making the insertion after subpar. (B)(xv), **to reflect the probable intent of Congress**.

Subsec. (d)(2)(Q). Pub. L. 104–191, §323(b)(2), added subpar. (Q). Former subpar. (Q) redesignated (R).

Subsec. (d)(2)(R). Pub. L. 104–191, §323(b)(2), redesignated subpar. (Q) as (R). Former subpar. (R) redesignated (S).

Pub. L. 104–188, §1116(b)(2)(B), added subpar. (R). Former subpar. (R) redesignated (S).

Subsec. (d)(2)(S). Pub. L. 104–191, §323(b)(2), redesignated subpar. (R) as (S). Former subpar. (S) redesignated (T).

Pub. L. 104–188, §1116(b)(2)(B), redesignated subpar. (R) as (S). Former subpar. (S) redesignated (T). See Codification note above.

Pub. L. 104–188, §1901(c)(1), struck out "or" at end. See Codification note above.

Subsec. (d)(2)(T). Pub. L. 104–191, §323(b)(2), redesignated subpar. (S) as (T). Former subpar. (T) redesignated (U).

Pub. L. 104–188, §1116(b)(2)(B), redesignated subpar. (S) as (T). Former subpar. (T) redesignated (U). See Codification note above.

Pub. L. 104–188, §1901(c)(1), substituted ", or" for period at end. See Codification note above.

Subsec. (d)(2)(U). Pub. L. 104–191, §323(d)(1), redesignated subpar. (T), relating to section 6053(b) or (c) as (U).

Pub. L. 104–188, §1455(a)(2), struck out "or" at end. See Codification note above.

Pub. L. 104–188, §1116(b)(2)(B), redesignated subpar. (T) as (U). Former subpar. (U) redesignated (V). See Codification note above.

Pub. L. 104–188, §1901(c)(1), added subpar. (U). See Codification note above.

Subsec. (d)(2)(V). Pub. L. 104–188, §1455(a)(2), substituted a comma for period at end.

Pub. L. 104–188, §1116(b)(2)(B), redesignated subpar. (U) as (V).

Subsec. (d)(2)(W), (X). Pub. L. 104–188, §1455(a)(2), added subpars. (W) and (X).

Subsec. (d)(3)(C). Pub. L. 104–188, §1615(a)(2)(B), inserted "and" at end.

Subsec. (d)(3)(D). Pub. L. 104–188, §1615(a)(2)(B), redesignated subpar. (E) as (D) and struck out former subpar. (D) which read as follows: "the requirement of section 6109(e) that a person include the TIN of any dependent on his return, and".

Subsec. (d)(3)(E). Pub. L. 104–188, §1615(a)(2)(B), redesignated subpar. (E) as (D).

Pub. L. 104–188, §1704(j)(3), substituted "section 6109(h)" for "section 6109(f)" in introductory provisions.

1993—Subsec. (d)(1)(B)(viii) to (xiv). Pub. L. 103–66, §13252(b)(1), which directed amendment of subsec. (d)(1)(B) by adding a new cl. (viii) after cl. (vii) and redesignating the following cls. accordingly, was executed by adding cl. (viii) and redesignating former cls. (viii), (ix), (x), (xi), (xii) (relating to section 4101(d)), and (xii) (relating to subpar. (C) of section 338(h)(10)) as (ix), (x), (xi), (xii), (xiii), and (xiv), respectively, **to reflect the probable intent of Congress**.

Subsec. (d)(2)(P) to (T). Pub. L. 103–66, §13252(b)(2), added subpar. (P) and redesignated former subpars. (P) through (S) as (Q) through (T), respectively.

§7213A. Unauthorized inspection of returns or return information

AMENDMENTS

2006—Subsec. (a)(2). Pub. L. 109–280, which directed insertion of "or under section 6104(c)" after "7213(a)(2)" in subsec. (a)(2) of section 7213A, without specifying the act to be amended, was executed by making the insertion in subsec. (a)(2) of this section, which is section 7213A of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

CONSTRUCTION OF 2002 AMENDMENT

Nothing in amendment by Pub. L. 107–210, other than provisions relating to COBRA continuation coverage and reporting requirements, to be construed as creating new mandate on any party regarding health insurance coverage, see section 203(f) of Pub. L. 107–210, set out as a Construction note under section 35 of this title.

§7428. Declaratory judgments relating to status and classification of organizations under section 501(c)(3), etc.

AMENDMENTS

2015—Subsec. (a)(1)(E). Pub. L. 114–113 added subpar. (E).

2006—Subsec. (b)(4). Pub. L. 109–280, which directed addition of par. (4) at the end of section 7428(b), without specifying the act to be amended, was executed by making the addition at the end of subsec. (b) of this section, which is section 7428 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§7431. Civil damages for unauthorized inspection or disclosure of returns and return information

AMENDMENTS

2006—Subsec. (a)(2). Pub. L. 109–280, which directed insertion of "or in violation of section 6104(c)" after "6103" in subsec. (a)(2) of section 7431, without specifying the act to be amended, was executed by making the insertion in subsec. (a)(2) of this section, which is section 7431 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§7436. Proceedings for determination of employment status

AMENDMENTS

1982—Par. (6). Pub. L. 97–258 substituted "section 3713(a) of title 31, United States Code" for "R.S. 3466 (31 U.S.C. 191)". Notwithstanding the directory language that amendment be made to section 7430, the amendment was executed to this section **to reflect the probable intent of Congress** and the intervening renumbering of section 7430 as 7432 by Pub. L. 97–248.

§7448. Annuities to surviving spouses and dependent children of judges and special trial judges

AMENDMENTS

2006—Pub. L. 109–280, §854(c)(3), which directed amendment of subsec. (u) of this section by inserting "or special trial judge" after "judge" and "or special trial judge's" after "judge's" wherever appearing, could not be executed because no subsec. (u) has been enacted.

Pub. L. 109–280, §854(c)(1), inserted "and special trial judges" after "children of judges" in section catchline.

Subsec. (a)(5) to (9). Pub. L. 109–280, §854(a), which directed amendment of subsec. (a) by adding pars. (5) and (6) and redesignating former pars. (5) to (8) as (7) to (10), respectively, was executed by adding pars.

(5) and (6) and redesignating former pars. (5) to (7) as (7) to (9), respectively, **to reflect the probable intent of Congress.** Subsec. (a) did not contain a par. (8) prior to the amendment.

Subsec. (b). Pub. L. 109–280, §854(b), reenacted subsec. heading without change, designated existing provisions as par. (1), inserted par. heading, realigned margins, and added par. (2).

Subsec. (c)(1). Pub. L. 109–280, §854(c)(4)(A), substituted "Tax Court judicial officers" for "Tax Court judges".

Pub. L. 109–280, §854(c)(3), inserted "or special trial judge" after "judge" and "or special trial judge's" after "judge's" wherever appearing.

Subsec. (c)(2)(A). Pub. L. 109–280, §854(c)(4)(B)(i), inserted "and section 7443A(d)" after "(a)(4)".

Subsec. (c)(2)(B). Pub. L. 109–280, §854(c)(4)(B)(ii), substituted "subsection (a)(4) and (a)(6)" for "subsection (a)(4)".

Subsec. (d). Pub. L. 109–280, §854(c)(3), inserted "or special trial judge" after "judge" wherever appearing except after "chief judge" and inserted "or special trial judge's" after "judge's".

Subsecs. (f) to (h). Pub. L. 109–280, §854(c)(3)(A), inserted "or special trial judge" after "judge" wherever appearing.

Subsec. (j). Pub. L. 109–280, §854(c)(3)(A), inserted "or special trial judge" after "judge" wherever appearing except after "chief judge".

Subsec. (j)(1). Pub. L. 109–280, §854(c)(5)(B), substituted "paragraphs (8) and (9) of subsection (a)" for "subsections (a)(6) and (7)" in concluding provisions.

Subsec. (j)(1)(A). Pub. L. 109–280, §854(c)(5)(A), substituted "service, retired from such service under section 7447, or receiving any annuity under chapter 83 or 84 of title 5, United States Code," for "service or retired from such service under section 7447".

Subsec. (m). Pub. L. 109–280, §854(c)(6), inserted "or any annuity under chapter 83 or 84 of title 5, United States Code" after "7447(d)".

Pub. L. 109–280, §854(c)(3), inserted "or special trial judge's" after "judge's" and "or special trial judge" after "judge" in two places.

Subsec. (n). Pub. L. 109–280, §854(c)(3)(A), (7), inserted "or special trial judge" after "judge" wherever appearing and "his years of service pursuant to any appointment under section 7443A," after "of the Tax Court,".

Subsec. (s). Pub. L. 109–280, §851(a), amended heading and text of subsec. (s) generally. Prior to amendment, text read as follows: "Whenever the salary of a judge under section 7443(c) is increased, each annuity payable from the survivors annuity fund which is based, in whole or in part, upon a deceased judge having rendered some portion of his or her final 18 months of service as a judge of the Tax Court, shall also be increased. The amount of the increase in such an annuity shall be determined by multiplying the amount of the annuity, on the date on which the increase in salary becomes effective, by 3 percent for each full 5 percent by which such salary has been increased."

§7472. Expenditures

AMENDMENTS

2009—Pub. L. 111–8, which directed the amendment of section 7472 of "title 26, United States Code" by inserting "after April 24, 1999, that is incurred" after "imposed" in second sentence, was executed to this section, which is section 7472 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.**

§7482. Courts of review

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114–74, §1101(f)(13)(C), substituted "section 6234" for "section 6226, 6228(a), or 6234(c)" in concluding provisions.

Subsec. (b)(1)(D). Pub. L. 114–74, §1101(f)(13)(B), inserted "or" at end.

Subsec. (b)(1)(E). Pub. L. 114–74, §1101(f)(13)(B), substituted period for "or" after "partnership,".

Pub. L. 114–74, §1101(f)(13)(A), which directed amendment of subpar. (E) by substituting "section 6234" for "section 6226, 6228, 6247, or 6252", was executed by making the substitution for "section 6226, 6228(a), 6247, or 6252" **to reflect the probable intent of Congress.**

Subsec. (b)(1)(F). Pub. L. 114–113, §423(a), added subpar. (F).

Pub. L. 114–74, §1101(f)(13)(B), struck out subpar. (F) which read as follows: "in the case of a petition under section 6234(c)—

"(i) the legal residence of the petitioner if the petitioner is not a corporation, and

"(ii) the place or office applicable under subparagraph (B) if the petitioner is a corporation."

Subsec. (b)(1)(G). Pub. L. 114–113, §423(a), added subpar. (G).

§7485. Bond to stay assessment and collection

AMENDMENTS

1982—Subsecs. (b), (c). Pub. L. 97–248 added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (c)(2). Pub. L. 97–258 substituted "section 9303 of title 31, United States Code" for "6 U.S.C. 15". Notwithstanding the directory language that amendment be made to subsec. (b)(2), the amendment was executed to subsec. (c)(2) **to reflect the probable intent of Congress** and the intervening redesignation of subsec. (b) as (c) by Pub. L. 97–248.

§7518. Tax incentives relating to merchant marine capital construction funds

AMENDMENTS

2014—Subsec. (g)(4). Pub. L. 113–295, which directed substitution of "any nonqualified withdrawal shall be determined" for "any nonqualified withdrawal" and all that followed through "shall be determined", was executed by substituting "any nonqualified withdrawal shall be determined" for "any nonqualified withdrawal—

"(A) made in a taxable year beginning in 1970 or 1971 is 8 percent, or

"(B) made in a taxable year beginning after 1971, shall be determined"

to reflect the probable intent of Congress.

§7701. Definitions

CODIFICATION

Sections 1207(f) and 1222 of Pub. L. 109–280, which directed the amendment of section 7701 without specifying the act to be amended, were executed to this section, which is section 7701 of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress.** See 2006 Amendment notes below.

2007—Subsec. (a)(36). Pub. L. 110–28, §8246(a)(1)(A), which directed the striking out of "income" in heading, was executed by substituting "Tax" for "Income tax" **to reflect the probable intent of Congress.**

Pub. L. 110–28, §8246(a)(1)(A), struck out "income" before "tax return preparer" in subpar. (A) and in introductory provisions of subpar. (B).

Subsec. (a)(36)(A). Pub. L. 110–28, §8246(a)(1)(B), substituted "this title" for "subtitle A" in two places.

1986—Subsec. (a)(17). Pub. L. 99–514, §1842(d), inserted reference to section 2516.

Subsec. (a)(19)(C)(xi). Pub. L. 99–514, §671(b)(3), added cl. (xi).

Subsec. (a)(20). Pub. L. 99–514, §1166(a), inserted reference to section 125.

Subsec. (a)(46). Pub. L. 99–514, §1137, inserted last sentence.

Subsec. (b)(1)(A). Pub. L. 99–514, §1810(l)(2), substituted "the requirements of clause (i), (ii), or (iii)" for "the requirements of clause (i) or (ii)" in introductory provisions and added cl. (iii).

Subsec. (b)(2)(A)(iv). Pub. L. 99–514, §1810(l)(3), added cl. (iv).

Subsec. (b)(4). Pub. L. 99–514, §1810(l)(4), added par. (4). Former par. (4) redesignated (5).

Subsec. (b)(5). Pub. L. 99–514, §1810(l)(4), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (b)(5)(A)(iv). Pub. L. 99–514, §1810(l)(5)(A), which directed that cl. (iv) be added to subpar.

(4)(A), was executed by adding cl. (iv) to subpar. (5)(A) **to reflect the probable intent of Congress** and the intervening redesignation of par. (4) as (5) by section 1810(l)(4) of Pub. L. 99-514.

Subsec. (b)(5)(E)(i). Pub. L. 99-514, §1810(l)(1), inserted last sentence.

Pub. L. 99-514, §1899A(63), substituted "preceding" for "preceeding".

Subsec. (b)(6) to (11). Pub. L. 99-514, §1810(l)(4), redesignated pars. (5) to (10) as pars. (6) to (11), respectively.

Subsec. (e)(4)(A). Pub. L. 99-514, §201(d)(14)(A), substituted "section 168(h)" for "section 168(j)".

Pub. L. 99-514, §1802(a)(9)(C), inserted at end "For purposes of this paragraph, the term 'related entity' has the same meaning as when used in section 168(j)."

Subsec. (e)(5). Pub. L. 99-514, §201(d)(14)(B), as amended by Pub. L. 100-647, §1002(a)(2), substituted "property described in clause (i), (ii), (iii), or (iv) of section 1250(a)(1)(B) (relating to low-income housing)" for "low-income housing (within the meaning of section 168(c)(2)(F))".

Pub. L. 99-514, §1899A(64), substituted "section 168(c)(2)(F)" for "section 168(C)(2)(F)".

Subsec. (h). Pub. L. 99-514, §201(c), added subsec. (h). Former subsec. (h), relating to cross references, was successively redesignated as (i), (j), and (k).

Subsec. (i). Pub. L. 99-514, §673, added subsec. (i). Former subsec. (i), relating to cross references, as previously redesignated, was successively redesignated as (j) and (k).

Subsec. (j). Pub. L. 99-514, §1147(a), added subsec. (j). Former subsec. (j), relating to cross references, as previously redesignated, was redesignated as (k).

Subsec. (k). Pub. L. 99-514, §§201(c), 673, 1147(a), successively redesignated subsec. (h), relating to cross references, as subsecs. (i), (j), and (k).

§7801. Authority of Department of the Treasury

ITEMIZED INCOME TAX RECEIPT

Pub. L. 106-58, title VI, §650, Sept. 29, 1999, 113 Stat. 479, as amended by Pub. L. 110-234, title IV, §4002(b)(1)(D), (2)(P), May 22, 2008, 110 Stat. 1096, 1097; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(D), (2)(P), June 18, 2008, 122 Stat. 1664, 1857, 1858, provided that:

"(a) IN GENERAL.—Not later than April 15, 2000, the Secretary of the Treasury shall establish an interactive program on an Internet website where any taxpayer may generate an itemized receipt showing a proportionate allocation (in money terms) of the taxpayer's total tax payments among the major expenditure categories.

"(b) INFORMATION NECESSARY TO GENERATE RECEIPT.—For purposes of generating an itemized receipt under subsection (a), the interactive program—

"(1) shall only require the input of the taxpayer's total tax payments; and

"(2) shall not require any identifying information relating to the taxpayer.

"(c) TOTAL TAX PAYMENTS.—For purposes of this section, total tax payments of an individual for any taxable year are—

"(1) the tax imposed by subtitle A of the Internal Revenue Code of 1986 for such taxable year (as shown on his return); and

"(2) the tax imposed by section 3101 of such Code on wages received during such taxable year.

"(d) CONTENT OF TAX RECEIPT.—

"(1) MAJOR EXPENDITURE CATEGORIES.—For purposes of subsection (a), the major expenditure categories are:

"(A) National defense.

"(B) International affairs.

"(C) Medicaid.

"(D) Medicare.

"(E) Means-tested entitlements.

"(F) Domestic discretionary.

"(G) Social Security.

"(H) Interest payments.

"(I) All other.

"(2) Other items on receipt.—

"(A) IN GENERAL.—In addition, the tax receipt shall include selected examples of more specific expenditure items, including the items listed in subparagraph (B), either at the budget function, subfunction, or program, project, or activity levels, along with any other information deemed appropriate

by the Secretary of the Treasury and the Director of the Office of Management and Budget to enhance taxpayer understanding of the Federal budget.

"(B) LISTED ITEMS.—The expenditure items listed in this subparagraph are as follows:

- "(i) Public schools funding programs.
- "(ii) Student loans and college aid.
- "(iii) Low-income housing programs.
- "(iv) supplemental [sic] nutrition assistance program benefits and welfare programs.
- "(v) Law enforcement, including the Federal Bureau of Investigation, law enforcement grants to the States, and other Federal law enforcement personnel.
- "(vi) Infrastructure, including roads, bridges, and mass transit.
- "(vii) Farm subsidies.
- "(viii) Congressional Member and staff salaries.
- "(ix) Health research programs.
- "(x) Aid to the disabled.
- "(xi) Veterans health care and pension programs.
- "(xii) Space programs.
- "(xiii) Environmental cleanup programs.
- "(xiv) United States embassies.
- "(xv) Military salaries.
- "(xvi) Foreign aid.
- "(xvii) Contributions to the North Atlantic Treaty Organization.
- "(xviii) Amtrak.
- "(xix) United States Postal Service.

"(e) COST.—No charge shall be imposed to cover any cost associated with the production or distribution of the tax receipt.

"(f) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this section."

[Pub. L. 110–234, §4002(b)(1)(D), (2)(P), and Pub. L. 110–246, §4002(b)(1)(D), (2)(P), which directed identical amendment of Pub. L. 106–58, §650, set out above, by substituting "supplemental nutrition assistance program benefits" for "food stamp" wherever appearing, was executed by making the substitution for "Food stamp" in subsec. (d)(2)(B)(iv), **to reflect the probable intent of Congress**. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.]

§9009. Reports to Congress; regulations

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113–94, §2(c)(1)(A), inserted "and" at end.

Subsec. (a)(3). Pub. L. 113–94, §2(c)(1)(B), which directed substitution of period for semicolon at end, was executed by substituting period for "; and" at end, **to reflect the probable intent of Congress**.

Subsec. (a)(4) to (6). Pub. L. 113–94, §2(c)(1)(C), struck out pars. (4) to (6) which read as follows:

"(4) the expenses incurred by the national committee of a major party or minor party with respect to a presidential nominating convention;

"(5) the amounts certified by it under section 9008(g) for payment to each such committee; and

"(6) the amount of payments, if any, required from such committees under section 9008(h), and the reasons for each such payment."

§9502. Airport and Airway Trust Fund

AMENDMENTS

2008—Subsec. (d)(1). Pub. L. 110–330, §3(a)(1), substituted "April 1, 2009" for "October 1, 2008" in introductory provisions.

Pub. L. 110–253, §3(a)(1), substituted "October 1, 2008" for "July 1, 2008" in introductory provisions.

Pub. L. 110–190, §3(a)(1), substituted "July 1, 2008" for "March 1, 2008" in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 110–330, §3(a)(2), inserted "or the Federal Aviation Administration Extension Act of 2008, Part II" before semicolon at end.

Pub. L. 110–253, §3(a)(2), inserted "or the Federal Aviation Administration Extension Act of 2008" before

end.

Subsec. (e)(2). Pub. L. 110-330, §3(b), substituted "April 1, 2009" for "October 1, 2008".

Pub. L. 110-253, §3(b), substituted "October 1, 2008" for "July 1, 2008".

Pub. L. 110-190, §3(b), which directed substitution of "July 1, 2008" for "March 1, 2008" in subsec. (f)(2), was executed to subsec. (e)(2) as redesignated by Pub. L. 110-172, **to reflect the probable intent of Congress**. See 2007 Amendment notes below.

§9503. Highway Trust Fund

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-357, §868(b)(1), inserted "and penalties" after "taxes" in heading.

Subsec. (b)(1). Pub. L. 108-357, §868(b)(2), substituted "Certain taxes" for "In general" in heading.

Pub. L. 108-357, §301(c)(11), inserted concluding provisions.

Subsec. (b)(4)(C). Pub. L. 108-357, §301(c)(12)(A), inserted "or" at end.

Subsec. (b)(4)(D)(iii). Pub. L. 108-357, §301(c)(12)(B), substituted a period for comma at end.

Subsec. (b)(4)(E), (F). Pub. L. 108-357, §301(c)(12)(C), struck out subpars. (E) and (F) which read as follows:

"(E) in the case of fuels described in section 4041(b)(2)(A), 4041(k), or 4081(c), section 4041 or 4081 before October 1, 2003, and for the period beginning after September 30, 2004, and before October 1, 2005, with respect to a rate equal to 2.5 cents per gallon, or

"(F) in the case of fuels described in section 4081(c)(2), such section before October 1, 2003, and for the period beginning after September 30, 2004, and before October 1, 2005, with respect to a rate equal to 2.8 cents per gallon."

Pub. L. 108-310, §13(c), which directed the amendment of section 9503(b)(4) by inserting "before October 1, 2003, and for the period beginning after September 30, 2004, and" before "before October 1, 2005" in subpars. (E) and (F), was executed to this section, which is section 9503(b)(4) of the Internal Revenue Code of 1986, **to reflect the probable intent of Congress**.

Subsec. (b)(5). Pub. L. 108-357, §868(a), added par. (5). Former par. (5) redesignated (6).

Subsec. (b)(5)(B). Pub. L. 108-310, §13(a)(3), substituted "June 1, 2005" for "October 1, 2004".

Pub. L. 108-280, §10(a)(3), substituted "October 1, 2004" for "August 1, 2004".

Pub. L. 108-263, §10(a)(3), substituted "August 1, 2004" for "July 1, 2004".

Pub. L. 108-224, §10(a)(3), substituted "July 1, 2004" for "May 1, 2004".

Pub. L. 108-202, §12(a)(3), substituted "May 1, 2004" for "March 1, 2004".

Subsec. (b)(6). Pub. L. 108-357, §868(a), redesignated par. (5) as (6).

Subsec. (c)(1). Pub. L. 108-310, §13(a)(1)(A), (E), substituted "June 1, 2005" for "October 1, 2004" in introductory provisions and "Part V" for "Part IV" in concluding provisions.

Pub. L. 108-280, §10(a)(1)(A), (E), substituted "October 1, 2004" for "August 1, 2004" in introductory provisions and "Part IV" for "Part III" in concluding provisions.

Pub. L. 108-263, §10(a)(1)(A), (E), substituted "August 1, 2004" for "July 1, 2004" in introductory provisions and "Part III" for "Part II" in concluding provisions.

Pub. L. 108-224, §10(a)(1)(A), (E), substituted "July 1, 2004" for "May 1, 2004" in introductory provisions and inserted ", Part II" after "Surface Transportation Extension Act of 2004" in concluding provisions.

Pub. L. 108-202, §12(a)(1)(A), (E), substituted "May 1, 2004" for "March 1, 2004" in introductory provisions and "Surface Transportation Extension Act of 2004" for "Surface Transportation Extension Act of 2003" in concluding provisions.

Subsec. (c)(1)(G). Pub. L. 108-202, §12(a)(1)(B)-(D), added subpar. (G).

Subsec. (c)(1)(H). Pub. L. 108-224, §10(a)(1)(B)-(D), added subpar. (H).

Subsec. (c)(1)(I). Pub. L. 108-263, §10(a)(1)(B)-(D), added subpar. (I).

Subsec. (c)(1)(J). Pub. L. 108-280, §10(a)(1)(B)-(D), added subpar. (J).

Subsec. (c)(1)(K). Pub. L. 108-310, §13(a)(1)(B)-(D), added subpar. (K).

Subsec. (c)(2)(A). Pub. L. 108-357, §301(c)(13), inserted at end of concluding provisions "Clauses (i)(III) and (ii) shall not apply to claims under section 6427(e)."

Subsec. (e)(3). Pub. L. 108-310, §13(a)(2)(A), (E), substituted "June 1, 2005" for "October 1, 2004" in introductory provisions and "Part V" for "Part IV" in concluding provisions.

Pub. L. 108-280, §10(a)(2)(A), (E), substituted "October 1, 2004" for "August 1, 2004" in introductory provisions and "Part IV" for "Part III" in concluding provisions.

Pub. L. 108-263, §10(a)(2)(A), (E), substituted "August 1, 2004" for "July 1, 2004" in introductory provisions and "Part III" for "Part II" in concluding provisions.

Pub. L. 108-224, §10(a)(2)(A), (E), substituted "July 1, 2004" for "May 1, 2004" in introductory provisions

and inserted ", Part II" after "Surface Transportation Extension Act of 2004" in concluding provisions.

Pub. L. 108–202, §12(a)(2)(A), (E), substituted "May 1, 2004" for "March 1, 2004" in introductory provisions and "Surface Transportation Extension Act of 2004" for "Surface Transportation Extension Act of 2003" in concluding provisions.

Subsec. (e)(3)(E). Pub. L. 108–202, §12(a)(2)(B)–(D), added subpar. (E).

Subsec. (e)(3)(F). Pub. L. 108–224, §10(a)(2)(B)–(D), added subpar. (F).

Subsec. (e)(3)(G). Pub. L. 108–263, §10(a)(2)(B)–(D), added subpar. (G).

Subsec. (e)(3)(H). Pub. L. 108–280, §10(a)(2)(B)–(D), added par. (H).

Subsec. (e)(3)(I). Pub. L. 108–310, §13(a)(2)(B)–(D), added subpar. (I).

§9504. Sport Fish Restoration and Boating Trust Fund

AMENDMENTS

2010—Subsec. (a). Pub. L. 111–147, §444(b)(5), substituted "section 9503(c)(3), section 9503(c)(4)" for "section 9503(c)(4), section 9503(c)(5)".

Subsec. (b)(2). Pub. L. 111–147, §444(b)(6), substituted "section 9503(c)(4)" for "section 9503(c)(5)" in concluding provisions.

Subsec. (b)(2)(A) to (C). Pub. L. 111–322, §2401(b)(1), substituted "Surface Transportation Extension Act of 2010, Part II" for "Surface Transportation Extension Act of 2010".

Pub. L. 111–147, §445(b)(1), substituted "(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010)" for "(as in effect on the date of the enactment of the last amendment to the first Continuing Appropriations Resolution for Fiscal Year 2010)".

Subsec. (d)(2). Pub. L. 111–322, §2401(b)(2), substituted "March 5, 2011" for "January 1, 2011".

Pub. L. 111–147, §445(b)(2), substituted "January 1, 2011" for "October 1, 2009".

Subsec. (e). Pub. L. 111–147, §444(b)(7), which directed amendment of subsec. (e) "by striking 'section 9503(c)(4)' and inserting section '9503(c)(3)' ", was executed by striking "section 9503(c)(4)" and inserting "section 9503(c)(3)" **to reflect the probable intent of Congress.**

§9812. Parity in mental health and substance use disorder benefits

AMENDMENTS

2008—Pub. L. 110–343, §512(g)(3)(A), substituted "Parity in mental health and substance use disorder benefits" for "Parity in the application of certain limits to mental health benefits" in section catchline.

Subsec. (a)(1), (2). Pub. L. 110–343, §512(c)(7), substituted "mental health or substance use disorder benefits" for "mental health benefits" wherever appearing in pars. (1)(introductory provisions), (A), and (B)(ii) and (2)(introductory provisions), (A), and (B)(ii).

Pub. L. 110–343, §512(c)(6), substituted "mental health and substance use disorder benefits" for "mental health benefits" wherever appearing in pars. (1)(B)(i) and (C) and (2)(B)(i) and (C).

Subsec. (a)(3) to (5). Pub. L. 110–343, §512(c)(1), added pars. (3) to (5).

Subsec. (b)(1). Pub. L. 110–343, §512(c)(7), substituted "mental health or substance use disorder benefits" for "mental health benefits".

Subsec. (b)(2). Pub. L. 110–343, §512(c)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "in the case of a group health plan that provides mental health benefits, as affecting the terms and conditions (including cost sharing, limits on numbers of visits or days of coverage, and requirements relating to medical necessity) relating to the amount, duration, or scope of mental health benefits under the plan, except as specifically provided in subsection (a) (in regard to parity in the imposition of aggregate lifetime limits and annual limits for mental health benefits)."

Subsec. (c)(1). Pub. L. 110–343, §512(c)(3)(A), amended par. (1) generally. Prior to amendment, text read as follows: "This section shall not apply to any group health plan for any plan year of a small employer (as defined in section 4980D(d)(2))."

Subsec. (c)(2). Pub. L. 110–343, §512(c)(3)(B), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: "This section shall not apply with respect to a group health plan if the application of this section to such plan results in an increase in the cost under the plan of at least 1 percent."

Subsec. (e)(3). Pub. L. 110–343, §512(c)(7), substituted "mental health or substance use disorder benefits" for "mental health benefits".

Subsec. (e)(4). Pub. L. 110-343, §512(c)(7), which directed substitution of "mental health or substance use disorder benefits" for "mental health benefits" wherever appearing in this section (other than in any provision amended by section 512(c)(6) of Pub. L. 110-343), was not executed to par. (4) as added by Pub. L. 110-343, §512(c)(4), to reflect the probable intent of Congress. See below.

Subsec. (e)(4). Pub. L. 110-343, §512(c)(4), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: "The term 'mental health benefits' means benefits with respect to mental health services, as defined under the terms of the plan, but does not include benefits with respect to treatment of substance abuse or chemical dependency."

Subsec. (e)(5). Pub. L. 110-343, §512(c)(4), added par. (5).

Subsec. (f). Pub. L. 110-343, §512(c)(5), struck out subsec. (f). Text read as follows: "This section shall not apply to benefits for services furnished—

"(1) on or after September 30, 2001, and before January 10, 2002,

"(2) on or after January 1, 2004, and before the date of the enactment of the Working Families Tax Relief Act of 2004,

"(3) on or after January 1, 2008, and before the date of the enactment of the Heroes Earnings Assistance and Relief Tax Act of 2008, and

"(4) after December 31, 2008."

Subsec. (f)(3), (4). Pub. L. 110-245 added pars. (3) and (4) and struck out former par. (3) which read as follows: "after December 31, 2007."