

1. [IRC](#)
2. [Subtitle A](#)
3. [Chapter 1](#)
4. [Subchapter A](#)
5. [Part IV](#)
6. [Subpart A](#)
7. § 26

## Sec. 26. Limitation Based On Tax Liability; Definition Of Tax Liability

I.R.C. § 26(a) Limitation Based On Amount Of Tax —

The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

I.R.C. § 26(a)(1) —

the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27, and

I.R.C. § 26(a)(2) —

the tax imposed by section 55(a) for the taxable year.

I.R.C. § 26(b) Regular Tax Liability —

For purposes of this part—

I.R.C. § 26(b)(1) In General —

The term “regular tax liability” means the tax imposed by this chapter for the taxable year.

I.R.C. § 26(b)(2) Exception For Certain Taxes —

For purposes of paragraph (1), any tax imposed by any of the following provisions shall not be treated as tax imposed by this chapter:

I.R.C. § 26(b)(2)(A) —

section 55 (relating to minimum tax),

I.R.C. § 26(b)(2)(B) —

section 59A (relating to base erosion and anti-abuse tax),

I.R.C. § 26(b)(2)(C) —

subsection (m)(5)(B), (q), (t), or (v) of section 72 (relating to additional taxes on certain distributions),

I.R.C. § 26(b)(2)(D) —

section 143(m) (relating to recapture of proration of Federal subsidy from use of mortgage bonds and mortgage credit certificates),

I.R.C. § 26(b)(2)(E) —

section 530(d)(4) (relating to additional tax on certain distributions from Coverdell education savings accounts),

I.R.C. § 26(b)(2)(F) —

section 531 (relating to accumulated earnings tax),

I.R.C. § 26(b)(2)(G) —

section 541 (relating to personal holding company tax),

I.R.C. § 26(b)(2)(H) —

section 1351(d)(1) (relating to recoveries of foreign expropriation losses),

I.R.C. § 26(b)(2)(I) —

section 1374 (relating to tax on certain built-in gains of S corporations),

I.R.C. § 26(b)(2)(J) —

section 1375 (relating to tax imposed when passive investment income of corporation having subchapter C earnings and profits exceeds 25 percent of gross receipts),

I.R.C. § 26(b)(2)(K) —  
subparagraph (A) of section 7518(g)(6) (relating to nonqualified withdrawals from capital construction funds taxed at highest marginal rate),  
I.R.C. § 26(b)(2)(L) —  
sections 871(a) and 881 (relating to certain income of nonresident aliens and foreign corporations),  
I.R.C. § 26(b)(2)(M) —  
section 860E(e) (relating to taxes with respect to certain residual interests),  
I.R.C. § 26(b)(2)(N) —  
section 884 (relating to branch profits tax),  
I.R.C. § 26(b)(2)(O) —  
sections 453(l)(3) and 453A(c) (relating to interest on certain deferred tax liabilities),  
I.R.C. § 26(b)(2)(P) Repealed —  
section 860k (relating to treatment of transfers of high-yield interests to disqualified holders),  
I.R.C. § 26(b)(2)(Q) —  
section 220(f)(4) (relating to additional tax on Archer MSA distributions not used for qualified medical expenses),  
I.R.C. § 26(b)(2)(R) —  
section 138(c)(2) (relating to penalty for distributions from Medicare Advantage MSA not used for qualified medical expenses if minimum balance not maintained),  
I.R.C. § 26(b)(2)(S) —  
sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),  
I.R.C. § 26(b)(2)(T) —  
section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),  
I.R.C. § 26(b)(2)(U) —  
section 223(f)(4) (relating to additional tax on health savings account distributions not used for qualified medical expenses),  
I.R.C. § 26(b)(2)(V) —  
subsections (a)(1)(B)(i) and (b)(4)(A) of section 409A (relating to interest and additional tax with respect to certain deferred compensation),  
I.R.C. § 26(b)(2)(W) —  
section 36(f) (relating to recapture of homebuyer credit),  
I.R.C. § 26(b)(2)(X) —  
section 457A(c)(1)(B) (relating to determinability of amounts of compensation),  
I.R.C. § 26(b)(2)(Y) —  
section 529A(c)(3)(A) (relating to additional tax on ABLE account distributions not used for qualified disability expenses), and  
I.R.C. § 26(b)(2)(Z) —  
section 24(j)(2) (relating to excess advance payments).  
I.R.C. § 26(c) Tentative Minimum Tax —  
For purposes of this part, the term “tentative minimum tax” means the amount determined under section 55(b)(1).  
(Added by Sec. 25, renumbered Sec. 26, Pub. L. 98-369, div. A, title IV, Sec. 472, title VI, Sec. 612(a), July 18, 1984, 98 Stat. 827, 905, and amended Pub. L. 99-499, title V, Sec. 516(b)(1)(A), Oct. 17, 1986, 100 Stat. 1770; Pub. L. 99-514, title II, Sec. 261(c), title VI, Sec. 632(c)(1), title VII, Sec. 701(c)(1), Oct. 22, 1986, 100 Stat. 2214, 2277, 2340; Pub. L. 100-647, title I, Sec. 1006(t)(16)(C), 1007(g)(1), 1011A(c)(10), 1012(q)(8), title IV, Sec. 4005(g)(4), title V, Sec. 5012(b)(2), Nov. 10, 1988, 102 Stat. 3425, 3434, 3476, 3524, 3650, 3662; Pub. L. 101-239, title VII, Sec. 7811(c)(1), (2), 7821(a)(4)(A), Dec. 19, 1989, 103 Stat. 2406, 2407, 2424; Pub. L. 104-188, title I, Sec. 1621(b)(1), Aug. 20, 1996, 110 Stat. 1755; Pub. L. 105-34, title II, XVI, Sec. 213(e)(1), 1602(a)(1), Aug. 5, 1997, 111 Stat. 788; Pub. L. 105-277, title II, Sec. 2001(a), Oct. 21, 1998, 112 Stat. 2681; Pub. L. 106-170, title V, Sec. 501(a), Dec. 17, 1999, 113 Stat. 1860; Pub. L. 106-554, Sec. 202, Dec. 21, 2000, 114 Stat. 2763; Pub. L. 107-16, Sec. 201, 202, 618, June 7, 2001, 115 Stat. 38; Pub. L. 107-22, Sec. 1, July 26, 2001, 115 Stat. 196; Pub. L. 107-147, Sec. 415(a), 601(a), Mar. 9, 2002, 116 Stat. 21; Pub. L. 108-311, title III, IV, Sec. 312(a), 401(a)(1), 408(a)(5)(A), Oct. 4, 2004, 118 Stat. 1166; Pub. L. 109-135, title IV, Sec. 403(hh) and 412(c), Dec. 21, 2005, 119 Stat. 2577; Pub. L. 109-222, title III, Sec. 302(a), May 17, 2006, 120 Stat. 345; Pub. L. 110-166, Sec. 3(a), Dec. 26, 2007, 121 Stat. 2461; Pub. L. 110-172, Sec. 11(a)(3), Dec. 29, 2007, 121 Stat. 2473; Pub. L. 110-289, div. C, title I, Sec. 3011(b)(1), July 30, 2008, 122 Stat. 2654; Pub. L. 110-343, div. B, title I, II, Sec. 106(e)(2)(D), 205(d)(1)(D), div. C, title I, VIII, Sec.

101(a), 801(b), Oct. 3, 2008, 122 Stat. 3765; Pub. L. 111-5, div. B, title I, Sec. 1004(b)(3), 1011(a), 1142(b)(1)(D), 1144(b)(1)(D), Feb. 17, 2009, 123 Stat. 115; Pub. L. 111-148, Sec. 10909(b)(2)(E), Mar. 23, 2010, 124 Stat. 119; Pub. L. 111-312, title II, Sec. 202(a), Dec. 17, 2010, 124 Stat. 3296; Pub. L. 112-240, title I, Sec. 104(c)(1), Jan. 2, 2013, 126 Stat. 2313; Pub. L. 113-295, Div. A, title II, Sec. 221(a)(12)(B), Div. B, title I, Sec. 102(e)(1), Dec. 19, 2014, 128 Stat. 4010; Pub. L. 115-97, title I, Sec. 14401(c), Dec. 22, 2017, 131 Stat. 2054; Pub. L. 115-141, Div. U, title IV, Sec. 401(b)(2), (d)(1)(D)(ii), Mar. 23, 2018, 132 Stat. 348; Pub. L. 117-2, title IX, Sec. 9611(b)(4)(A), Mar. 11, 2021, 135 Stat. 4.)

## BACKGROUND NOTES

### AMENDMENTS

2021 - Subsec. (b)(2). Pub. L. 117-2, Sec. 9611(b)(4)(A), amended par. (2) by striking “and” at the end of subpar. (X), by substituting “, and” for the period at the end of subpar. (Y), and by adding subpar. (Z).

2018 - Subsec. (a)(1). Pub. L. 115-141, Sec. 401(d)(1)(D)(ii), amended par. (1) by substituting “27” for “27(a)”.

Subsec. (b)(2). Pub. L. 115-141, Sec. 401(b)(2), amended par. (2) by striking subpar. (P). Before being struck, subpar. (P) read as follows: “(P) section 860k (relating to treatment of transfers of high-yield interests to disqualified holders),”.

2017 - Subsec. (b)(2)(B). Pub. L. 115-97, Sec. 14401(c), amended par. (2) by inserting new subpar. (B).

2014 - Subsec. (b)(2)(B). Pub. L. 113-295, Div. A, Sec. 221(a)(12)(B), amended subpar. (A). Before amendment, it read as follows:

“section 59A (relating to environmental tax),”.

Subsec. (b)(2)(W)-(Y). Pub. L. 113-295, Div. B, Sec. 102(e)(1), amended par. (2) by striking “and” at the end of subpar. (W), by substituting “, and” for the period at the end of subpar. (X), and by adding subpar. (Y).

2013 - Subsec. (a). Pub. L. 112-240, Sec. 104(c)(1), amended subsec. (a). Before amendment, it read as follows:

“(a) Limitation Based On Amount Of Tax.—

“(1) In General.—The aggregate amount of credits allowed by this subpart (other than sections 23, 24, 25A(i), 25B, 25D, 30, 30B, and 30D) for the taxable year shall not exceed the excess (if any) of—

“(A) the taxpayer's regular tax liability for the taxable year, over

“(B) the tentative minimum tax for the taxable year (determined without regard to the alternative minimum tax foreign tax credit). For purposes of subparagraph (B), the taxpayer's tentative minimum tax for any taxable year beginning during 1999 shall be treated as being zero.

“(2) Special Rule For Taxable Years 2000 Through 2011.—For purposes of any taxable year beginning during 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, or 2011, the aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

“(A) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

“(B) the tax imposed by section 55(a) for the taxable year.”

2010 - Subsec. (a)(2). Pub. L. 111-312, Sec. 202(a), amended par. (2) by substituting “2011” for “2009” in the heading and by substituting “2009, 2010, or 2011” for “or 2009” in the text.

Subsec. (a)(1). Pub. L. 111-148, Sec. 10909(b)(2)(E), amended par. (1) by striking “23,”.

2009 — Subsec. (a)(1). Pub. L. 111-5, Div. B, Sec. 1004(b)(3), amended par. (1) by inserting “25A(i),” after “24,”.

Subsec. (a)(1). Pub. L. 111-5, Div. B, Sec. 1142(b)(1)(D), amended par. (1) by inserting “30,” after “25D,”.

Subsec. (a)(1). Pub. L. 111-5, Div. B, Sec. 1144(b)(1)(D), amended par. (1) by inserting “30B,” after “30,”.

Subsec. (a)(2). Pub. L. 111-5, Div. B, Sec. 1011(a), amended par. (2) by substituting “2008, or 2009” for “or 2008” and by substituting “2009” for “2008” in the heading.

2008 - Subsec. (a)(1). Pub. L. 110-343, Div. B, Sec. 106(e)(2)(D), amended par. (1) by substituting “25B, and 25D” for “and 25B”.

Subsec. (a)(1). Pub. L. 110-343, Div. B, Sec. 205(d)(1)(D), amended par. (1) by substituting “25D, and 30D” for “and 25D”.

Subsec. (a)(2). Pub. L. 110-343, Div. C, Sec. 101(a), amended par. (1) by substituting “2008” for “2007” in the heading and by substituting “2007, or 2008” for “or 2007”.

Subsec. (b)(2)(V)-(X). Pub. L. 110-343, Div. C, Sec. 801(b), amended par. (2) by striking “and” at the end of subpar. (V), by substituting “, and” for the period at the end of subpar. (W), and by adding subpar. (X).

Subsec. (b)(2)(U)-(W). Pub. L. 110-289, Sec. 3011(b)(1), amended par. (2) by striking “and” at the end of subpar. (U); by substituting “, and” for the period at the end of subpar. (V); and by adding subpar. (W).

2007 - Subsec. (b)(2)(S)-(T). Pub. L. 110-172, Sec. 11(a)(3), amended par. (2) by redesignating subpar. (S) and (T) and subpar. (U) and (V), respectively, and by adding new subpar. (S) and (T).

Subsec. (a)(2). Pub. L. 110-166, Sec. 3(a), amended the heading for par. (2) by substituting “2007” for “2006”.

Subsec. (a)(2). Pub. L. 110-166, Sec. 3(a), amended par. (2) by substituting “2006, or 2007” for “or 2006”.  
2006 - Subsec. (a)(2). Pub. L. 109-222, Sec. 302(a)(1), amended the heading of par. (2) by substituting “2006” for “2005”.

Subsec. (a)(2). Pub. L. 109-222, Sec. 302(a)(2), amended par. (2) by substituting “2005, or 2006” for “or 2005”.

2005 - Subsec. (b)(2)(E). Pub. L. 109-135, Sec. 412(c), amended subpar. (E) by substituting “section 530(d)(4)” for “section 530(d)(3)”.

Subsec. (b)(2)(R)-(T). Pub. L. 109-135, Sec. 403(hh), amended par. (2) by striking the comma at the end of subpar. (R), by substituting “, and” for the period at the end of subpar. (S), and by adding subpar. (T).

2004 - Subsec. (a)(2). Pub. L. 108-311, Sec. 312(a), amended par. (2) by substituting “RULE FOR TAXABLE YEARS 2000 THROUGH 2005.--” for “RULE FOR 2000, 2001, 2002, AND 2003.--” in the heading and for substituting “ 2003, 2004, or 2005” for “ or 2003”.

Subsec. (b)(2). Pub. L. 108-311, Sec. 408(a)(5)(A), amended par. (2) by substituting “Medicare Advantage MSA” for “Medicare+Choice MSA”.

Subsec. (b)(2)(Q)-(S). Pub. L. 108-311, Sec. 401(a)(1), amended subpar. (Q) by striking “and” at the end, amended subpar. (R) by substituting “, and” for the period at the end, and added subpar. (S).

2002 - Subsec. (a)(2). Pub. L. 107-147, Sec. 601(a), amended par. (2) by substituting “RULE FOR 2000, 2001, 2002, AND 2003.-” for “RULE FOR 2000 and 2001.-” and by substituting “during 2000, 2001, 2002, or 2003,” for “during 2000 or 2001,”.

Subsec. (b)(2). Pub. L. 107-147, Sec. 415(a), struck “and” at the end of subpar. (P), substituting “, and” for the period at the end of subpar. (Q), and added subpar. (R).

2001 - Subsec. (b)(2)(E). Pub. L. 107-22, Sec. 1(b)(2)(A), amended subpar. (E) by substituting “Coverdell education savings” for “education individual retirement”.

Subsec. (a)(1). Pub. L. 107-16, Sec. 201(b)(2)(D), amended par. (1) by inserting “(other than section 24)” after “this subpart”.

Subsec. (a)(1). Pub. L. 107-16, Sec. 202(f)(2)(C), amended par. (1) by substituting “sections 23 and 24” for “section 24”.

Subsec. (a)(1). Pub. L. 107-16, Sec. 618(b)(2)(C), amended par. (1) by substituting “, 24, and 25B” for “and 24”.

2000 - Subsec. (b)(2)(Q). Pub. L. 106-554, Sec. 202(a)(1), amended subpar. (Q) by substituting “Archer MSA” for “medical spending account”.

1999 - Subsec. (a). Pub. L. 106-170, Sec. 501(a), amended subsec. (a). Prior to amendment, it read as follows:

“(a) Limitation based on amount of tax

“The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the excess (if any) of--

“(1) the taxpayer's regular tax liability for the taxable year, over

“(2) the tentative minimum tax for the taxable year (determined without regard to the alternative minimum tax foreign tax credit).

“For purposes of paragraph (2), the taxpayer's tentative minimum tax for any taxable year beginning during 1998 shall be treated as being zero.”

1998 - Subsec. (a). Pub. L. 105-277, Sec. 2001(a), amended subsec. (a) by adding the flush sentence at the end.

1997 - Subsec. (b)(2). Pub. L. 105-34, Sec. 1602(a)(1), amended subpar. (N) by substituting “,” for “, and”; subpar. (O) by substituting “, and” for “.”; and added subpar. (P).

Subsec. (b)(2). Pub. L. 105-34, Sec. 213(e)(1), redesignated subpars. (E) through (P) as subpars. (F) through (Q) and added a new subpar. (E).

1996 - Subsec. (b)(2)(M). Pub. L. 104-188, Sec. 1621(b)(1) struck “and” at the end.

Subsec. (b)(2)(N). Pub. L. 104-188, Sec. 1621(b)(1), substituted “, and” for “.” at the end.

Subsec. (b)(2)(O). Pub. L. 104-188, Sec. 1621(b)(1), added subpar. (O).

1989 - Subsec. (b)(2)(C), (D). Pub. L. 101-239, Sec. 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, Sec. 7811(c)(2), added subpar. (K) and struck out former subpar. (K) which was identical.

Subsec. (b)(2)(L), (M). Pub. L. 101-239, Sec. 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, Sec. 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.

1988 - Subsec. (b)(2)(C). Pub. L. 100-647, Sec. 1011A(c)(10)(A), struck out ‘, (o)(2),’ after ‘subsection (m) (5)(B)’.

Pub. L. 100-647, Sec. 5012(b)(2), substituted ‘(q), or (v)’ for ‘or (q)’.

Subsec. (b)(2)(D). Pub. L. 100-647, Sec. 1011A(c)(10)(B), substituted ‘72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans)’ for ‘408(f) (relating to additional tax on income from certain retirement accounts)’.

Subsec. (b)(2)(K). Pub. L. 100-647, Sec. 1007(g)(1), substituted ‘corporations.’ for ‘corporations,’.

Subsec. (b)(2)(L). Pub. L. 100-647, Sec. 1012(q)(8), added subpar. (L) relating to branch profits tax.

Pub. L. 100-647, Sec. 1006(t)(16)(C), added subpar. (L) relating to taxes with respect to certain residual interests.

Subsec. (b)(2)(M). Pub. L. 100-647, Sec. 4005(g)(4), added subpar. (M).

1986 - Subsec. (a). Pub. L. 99-514, Sec. 701(c)(1)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ‘The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the taxpayer's tax liability for such taxable year.’

Subsec. (b). Pub. L. 99-514, Sec. 701(c)(1)(B)(i), (v), substituted ‘Regular tax liability’ for ‘Tax liability’ in heading and ‘this part’ for ‘this section’ in introductory provisions.

Subsec. (b)(1). Pub. L. 99-514, Sec. 701(c)(1)(B)(ii), substituted ‘regular tax liability’ for ‘tax liability’.

Subsec. (b)(2). Pub. L. 99-499, Sec. 516(b)(1)(A), added subpar. (B) and redesignated former subpars. (B) to (J) as (C) to (K), respectively.

Pub. L. 99-514, Sec. 701(c)(1)(B)(iii), substituted ‘section 55 (relating to minimum tax)’ for ‘section 56 (relating to corporate minimum tax)’ in subpar. (A).

Pub. L. 99-514, Sec. 632(c)(1), substituted ‘certain built-in gains’ for ‘certain capital gains’ in subpar. (G).

Pub. L. 99-514, Sec. 261(c), added subpar. (I).

Pub. L. 99-514, Sec. 701(c)(1)(B)(iv), added subpar. (J).

Subsec. (c). Pub. L. 99-514, Sec. 701(c)(1)(C), amended subsec. (c) generally, substituting provisions relating to tentative minimum tax for provisions referring to section 55(c) of this title for similar rule for alternative minimum tax for taxpayers other than corporations.

#### EFFECTIVE DATE OF 2021 AMENDMENTS

Amendments by Pub. L. 117-2, Sec. 9611(b)(4)(A), effective for taxable years beginning after December 31, 2020.

#### EFFECTIVE DATE OF 2018 AMENDMENTS

Amendments by Pub. L. 115-141, Div. U, Sec. 401(b)(2) and 401(d)(1)(D)(ii) effective March 23, 2018.

Sec. 401(e) of Pub. L. 115-141, Div. U, provided the following Savings Provision:

“(e) General Savings Provision With Respect To Deadwood Provisions.—If—

“(1) any provision amended or repealed by the amendments made by subsection (b) or (d) applied to—

“(A) any transaction occurring before the date of the enactment of this Act,

“(B) any property acquired before such date of enactment, or

“(C) any item of income, loss, deduction, or credit taken into account before such date of enactment, and

“(2) the treatment of such transaction, property, or item under such provision would (without regard to the amendments or repeals made by such subsection) affect the liability for tax for periods ending after such date of enactment,

“nothing in the amendments or repeals made by this section shall be construed to affect the treatment of such transaction, property, or item for purposes of determining liability for tax for periods ending after such date of enactment.”

#### EFFECTIVE DATE OF 2017 AMENDMENTS

Amendment by Pub. L. 115-97, Sec. 14401(c), effective for base erosion payments (as defined in section 59A(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued in taxable years beginning after December 31, 2017.

#### EFFECTIVE DATE OF 2014 AMENDMENTS

Amendment Pub. L. 113-295, Div. A, Sec. 221(a)(12)(B), effective on the date of the enactment of this Act [Enacted Dec. 19, 2014].

Section 221(b)(2) of Pub. L. 113-295, Div. A, provided the following Savings Provision:

“(2) SAVINGS PROVISION.—If—

“(A) any provision amended or repealed by the amendments made by this section applied to—

“(i) any transaction occurring before the date of the enactment of this Act [Enacted: Dec. 19, 2014],

“(ii) any property acquired before such date of enactment, or

“(iii) any item of income, loss, deduction, or credit taken into account before such date of enactment, and

“(B) the treatment of such transaction, property, or item under such provision would (without regard to the amendments or repeals made by this section) affect the liability for tax for periods ending after date of enactment, nothing in the amendments or repeals made by this section shall be construed to affect the treatment of such transaction, property, or item for purposes of determining liability for tax for periods ending after such date of enactment.”

Amendments by Pub. L. 113-295, Div. B, Sec. 102(e)(1), effective for taxable years beginning after December 31, 2014.

Section 102(f)(2) of Pub. L. 113-295, Div. B, provided that:

“(2) REGULATIONS.—The Secretary of the Treasury (or the Secretary's designee) shall promulgate the regulations or other guidance required under section 529A(g) of the Internal Revenue Code of 1986, as added by subsection (a), not later than 6 months after the date of the enactment of this Act [Enacted: Dec. 19, 2014].”

#### EFFECTIVE DATE OF 2013 AMENDMENTS

Amendment by Sec. 104(c)(1) of Pub. L. 112-240 effective for taxable years beginning after December 31, 2011.

#### EFFECTIVE DATE OF 2010 AMENDMENTS

Amendments by Sec. 202(a) of Pub. L. 111-312 effective for taxable years beginning after December 31, 2009.

Amendment by Sec. 10909(b) of Pub. L. 111-148 effective for taxable years beginning after December 31, 2009. Pub. L. 111-148, Sec. 10909(c), as amended by Pub. L. 111-312, Sec. 101(b), provided that:

“(c) Sunset Provision.—Each provision of law amended by this section is amended to read as such provision would read if this section had never been enacted. The amendments made by the preceding sentence shall apply to taxable years beginning after December 31, 2011.”

#### EFFECTIVE DATE OF 2009 AMENDMENTS

Amendments by Div. B, Sec. 1004(b)(3) and 1144(b)(1)(D), of Pub. L. 111-5 effective for taxable years beginning after December 31, 2008.

Amendments by Div. B, Sec. 1011(a), of Pub. L. 111-5 effective for taxable years beginning after December 31, 2008.

Amendment by Div. B, Sec. 1142(b)(1)(D), of Pub. L. 111-5 effective for vehicles acquired after the date of the enactment of this Act [Enacted: Feb. 17, 2009].

#### EFFECTIVE DATE OF 2008 AMENDMENTS

Amendment by Div. B, Sec. 106(e)(2)(D), of Pub. L. 110-343 effective for taxable years beginning after December 31, 2007.

Amendment by Div. B, Sec. 205(d)(1)(D), of Pub. L. 110-343 effective for taxable years beginning after December 31, 2008.

Amendment by Div. C, Sec. 101(a) of Pub. L. 110-343 effective for taxable years beginning after December 31, 2007.

Amendments by Div. C, Sec. 801(b) of Pub. L. 110-343 effective for amounts deferred with are attributable to services performed after December 31, 2008. Pub. L. 110-343, Div. C, Sec. 801(d)(2)-(5) provided that:

“(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of— (A) the last taxable year beginning before 2018, or (B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

“(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

“(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

“(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.”

Amendments by Sec. 3011(b)(1) of Pub. L. 110-289 effective for residences purchased on or after April 9, 2008, in taxable years ending on or after such date.

#### EFFECTIVE DATE OF 2007 AMENDMENTS

Amendments by Sec. 11(a)(3) of Pub. L. 110-172 effective on the date of the enactment of this Act [Enacted: Dec. 29, 2007].

Amendments by Sec. 3(a) of Pub. L. 110-166 effective for taxable years beginning after December 31, 2006.

#### EFFECTIVE DATE OF 2006 AMENDMENTS

Amendments by Sec. 302(a) of Pub. L. 109-222 effective for taxable years beginning after December 31, 2005.

#### EFFECTIVE DATE OF 2005 AMENDMENTS

Amendments by Sec. 403(hh) of Pub. L. 109-135 effective as if included in the provisions of the American Jobs Protection Act of 2004 [Pub. L. 108-311, Sec. 885] to which they relate [Effective for amounts deferred after December 31, 2004].

Amendment by Sec. 412(c) of Pub. L. 109-135 effective on the date of the enactment of this Act [Enacted: Dec. 21, 2005].

#### EFFECTIVE DATE OF 2004 AMENDMENTS

Amendments by Sec. 312(a) of Pub. L. 108-311 effective for taxable years beginning after December 31, 2003.

Amendments by Sec. 401(a)(1) of Pub. L. 108-311 effective as if included in section 1201 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 [taxable years beginning after December 31, 2003].

Amendment by Sec. 408(a)(5)(A) of Pub. L. 108-311 effective on the date of the enactment of this Act [Enacted: Oct. 4, 2004].

#### EFFECTIVE DATE OF 2002 AMENDMENTS

Amendments by Sec. 415(a) of Pub. L. 107-147 effective as if included in section 4006 of the Balanced Budget Act of 1997 [Pub. L. 105-33].

Amendments by Sec. 601(a) of Pub. L. 107-147 effective for taxable years beginning after December 31, 2001.

#### EFFECTIVE DATE OF 2001 AMENDMENTS

Amendment by Pub. L. 107-22 effective on the date of the enactment of this Act [Enacted: July 26, 2001].

Amendments by Pub. L. 107-16 effective for taxable years beginning after December 31, 2001. However, Sec. 610(b)(2) of Pub. L. 107-147 provided that the amendments made by Sec. 201(b), 202(f), and 618(b) of Pub. L. 107-16 shall not apply to taxable years beginning during 2002 or 2003, and Sec. 312(b)(2) of Pub. L. 108-311 provided that the amendments made by Sec. 201(b), 202(f), and 618(b) of Pub. L. 107-16 shall not apply to taxable years beginning during 2004 or 2005.

Section 901 (Sunset of Provisions of Act) of Pub. L. 107-16, as amended by Pub. L. 107-358 and Pub. L. 111-312, Sec. 101(a), and struck by Pub. L. 112-240, Sec. 101(a)(1) (effective for taxable, plan, or limitation years beginning after Dec. 31, 2012, and estates of decedents dying, gifts made, or generation skipping transfers after Dec. 31, 2012), provided that:

“(a) IN GENERAL.--All provisions of, and amendments made by, this Act shall not apply--

“(1) to taxable, plan, or limitation years beginning after December 31, 2012, or

“(2) in the case of title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2012.

“(b) APPLICATION OF CERTAIN LAWS.--The Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsection (a) as if the provisions and amendments described in subsection (a) had never been enacted.

“(c) EXCEPTION.-Subsection (a) shall not apply to section 803 (relating to no federal income tax on restitution received by victims of the Nazi regime or their heirs or estates).”

NOTE: Section 10909(c) of Pub. L. 111-148 provided:

“(c) Application and Extension of EGTRRA Sunset- Notwithstanding section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001, such section shall apply to the amendments made by this section and the amendments made by section 202 of such Act by substituting ‘December 31, 2011’ for ‘December 31, 2010’ in subsection (a)(1) thereof.”

#### PENSIONS AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 MADE PERMANENT

Section 811 of Pub. L. 109-280 provided that:

“Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitles A through F [Sections 601-666] of title VI of such Act (relating to pension and individual retirement arrangement provisions).”

#### EFFECTIVE DATE OF 1998 AMENDMENTS

Amendment by section 501(a) of Pub. L. 106-170 effective for taxable years beginning after December 31, 1998.

#### EFFECTIVE DATE OF 1998 AMENDMENTS

Amendment by section 2001(a) of Pub. L. 105-277 effective for taxable years beginning after December 31, 1997.

#### EFFECTIVE DATE OF 1997 AMENDMENTS

Amendments by section 1602(a)(1) of Pub. L. 105-34 effective as if included in the provisions of the Health Insurance Portability and Accountability Act of 1996 to which such amendment relates.

Amendments by section 213(e)(1) of Pub. L. 105-34 effective for taxable years beginning after December 31, 1997.

#### EFFECTIVE DATE OF 1996 AMENDMENTS

Section 1621(d) of Pub. L. 104-188 provided that: “The amendments made by this section shall take effect on September 1, 1997.”

#### EFFECTIVE DATE OF 1989 AMENDMENTS

Amendment by section 7811(c)(1), (2) of Pub. L. 101-239 effective, except as otherwise provided, as if included in the provision of the Technical and Miscellaneous Revenue Act of 1988, Pub. L. 100-647, to which such amendment relates, see section 7817 of Pub. L. 101-239, set out as a note under section 1 of this title.

Section 7823 of Pub. L. 101-239 provided that: ‘Except as otherwise provided in this part (part II (Sec. 7821-7823) of subtitle H of title VII of Pub. L. 101-239, amending this section and sections 453A, 842, 1503, 6427, 6655, 6863, 7519, 7611, 9502, 9503, and 9508 of this title and enacting provisions set out as notes under sections 56 and 7519 of this title), any amendment made by this part shall take effect as if included in the provision of the 1987 Act (Pub. L. 100-203, title X) to which such amendment relates.’

#### EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by section 1006(t)(16)(C) of Pub. L. 100-647 applicable, with certain exceptions, to transfers after Mar. 31, 1988, and to excess inclusions for periods after Mar. 31, 1988, see section 1006(t)(16)(D)(ii)-(iv) of Pub. L. 100-647, set out as a note under section 860E of this title.

Amendment by sections 1007(g)(1), 1011A(c)(10), and 1012(q)(8) of Pub. L. 100-647 effective, except as otherwise provided, as if included in the provision of the Tax Reform Act of 1986, Pub. L. 99-514, to which such amendment relates, see section 1019(a) of Pub. L. 100-647, set out as a note under section 1 of this title.

Amendment by section 4005(g)(4) of Pub. L. 100-647 applicable, with certain exceptions, to financing provided, and mortgage credit certificates issued, after Dec. 31, 1990, see section 4005(h)(3) of Pub. L. 100-647, set out as a note under section 143 of this title.

Amendment by section 5012(b)(2) of Pub. L. 100-647 applicable to contracts entered into on or after June 21, 1988, with special rule where death benefit increases by more than \$150,000, certain other material changes taken into account, and certain exchanges permitted, see section 5012(e) of Pub. L. 100-647, set out as an Effective Date note under section 7702A of this title.

#### EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by section 261(c) of Pub. L. 99-514 applicable to taxable years beginning after Dec. 31, 1986, see section 261(g) of Pub. L. 99-514, set out as an Effective Date note under section 7518 of this title.



Amendment by section 632(c)(1) of Pub. L. 99-514 applicable to taxable years beginning after Dec. 31, 1986, but only in cases where the return for the taxable year is filed pursuant to an S election made after Dec. 31, 1986, see section 633(b) of Pub. L. 99-514, as amended, set out as an Effective Date note under section 336 of this title.

Amendment by section 632(c)(1) of Pub. L. 99-514 not applicable in the case of certain transactions, see section 54(d)(3)(D) of Pub. L. 98-369, as amended, set out as an Effective Date of 1984 Amendment note under section 311 of this title.

Amendment by section 701(c)(1) of Pub. L. 99-514 applicable to taxable years beginning after Dec. 31, 1986, with certain exceptions and qualifications, see section 701(f) of Pub. L. 99-514, set out as an Effective Date note under section 55 of this title.

Section 516(c) of Pub. L. 99-499 provided that: 'The amendments made by this section (enacting section 59A of this title and amending this section and sections 164, 275, 936, 1561, 6154, 6425, and 6655 of this title) shall apply to taxable years beginning after December 31, 1986.'

#### EFFECTIVE DATE

Section applicable to taxable years beginning after Dec. 31, 1983, and to carrybacks from such years, see section 475(a) of Pub. L. 98-369, set out as an Effective Date of 1984 Amendment note under section 21 of this title.

#### APPLICABILITY OF CERTAIN AMENDMENTS BY PUBLIC LAW 99-514 IN RELATION TO TREATY OBLIGATIONS OF UNITED STATES

For applicability of amendment by section 701(c)(1) of Pub. L. 99-514 notwithstanding any treaty obligation of the United States in effect on Oct. 22, 1986, with provision that for such purposes any amendment by title I of Pub. L. 100-647 be treated as if it had been included in the provision of Pub. L. 99-514 to which such amendment relates, see section 1012(aa)(2), (4) of Pub. L. 100-647, set out as a note under section 861 of this title.

#### TREATMENT OF TAX IMPOSED UNDER FORMER SECTION 409(c)

Section 491(f)(5) of Pub. L. 98-369, as amended by Pub. L. 99-514, Sec. 2, Oct. 22, 1986, 100 Stat. 2095, provided that: 'For purposes of section 26(b) of the Internal Revenue Code of 1986 (formerly *I.R.C. 1954*) (as amended by this Act), any tax imposed by section 409(c) of such Code (as in effect before its repeal by this section) shall be treated as a tax imposed by section 408(f) of such Code.'

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