

Stat. 962; renumbered §40, Pub. L. 89-44, title VIII, §809(c), June 21, 1965, 79 Stat. 167; renumbered §42, Pub. L. 92-178, title VI, §601(a), Dec. 10, 1971, 85 Stat. 553; renumbered §43, Pub. L. 94-12, title II, §203(a), Mar. 29, 1975, 89 Stat. 29; renumbered §44, Pub. L. 94-12, title II, §204(a), Mar. 29, 1975, 89 Stat. 30; renumbered §45, Pub. L. 94-12, title II, §208(a), Mar. 29, 1975, 89 Stat. 32; renumbered §35, Pub. L. 98-369, div. A, title IV, §471(c), July 18, 1984, 98 Stat. 826; renumbered §36, Pub. L. 107-210, div. A, title II, §201(a), Aug. 6, 2002, 116 Stat. 954; renumbered §37, Pub. L. 110-289, div. C, title I, §3011(a), July 30, 2008, 122 Stat. 2888.)

PRIOR PROVISIONS

A prior section 37 was renumbered section 22 of this title.

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[44A–H.	Renumbered, Repealed.]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.

¹ Section 41 repealed by Pub. L. 99-514 without corresponding amendment of subpart analysis.

² So in original. Probably should follow item 45J.

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. 110-234 were repealed by Pub. L. 110-246, §4(a), June 18, 2008, 122 Stat. 1664.

2006—Pub. L. 109-432, div. A, title IV, §405(d), Dec. 20, 2006, 120 Stat. 2958, added item 45N.

2005—Pub. L. 109-58, title XIII, §§1306(c), 1322(a)(3)(L), 1332(e), 1334(c), 1346(b)(2), Aug. 8, 2005, 119 Stat. 999, 1012, 1026, 1033, 1055, inserted “and renewable diesel” after “Biodiesel” in item 40A and added items 45J to 45M.

2004—Pub. L. 108-357, title II, §245(d), title III, §§302(c)(3), 339(e), 341(d), title VII, §710(b)(3)(B), Oct. 22, 2004, 118 Stat. 1448, 1466, 1484, 1487, 1556, added items 40A and 45G to 45I and inserted “, etc” after “resources” in item 45.

Pub. L. 108-311, title IV, §408(b)(7), Oct. 4, 2004, 118 Stat. 1193, amended directory language of Pub. L. 107-16, §619(c)(3). See 2001 Amendment note below.

2001—Pub. L. 107-16, title VI, §619(c)(3), June 7, 2001, 115 Stat. 110, as amended by Pub. L. 108-311, title IV, §408(b)(7), Oct. 4, 2004, 118 Stat. 1193, added item 45E.

Pub. L. 107-16, title II, §205(b)(2), June 7, 2001, 115 Stat. 53, added item 45F.

2000—Pub. L. 106-554, §1(a)(7) [title I, §121(d)], Dec. 21, 2000, 114 Stat. 2763, 2763A-610, added item 45D.

1996—Pub. L. 104-188, title I, §1205(a)(3)(B), Aug. 20, 1996, 110 Stat. 1775, added item 45C.

1993—Pub. L. 103-66, title XIII, §§13322(e), 13443(c), Aug. 10, 1993, 107 Stat. 563, 569, added items 45A and 45B.

1992—Pub. L. 102-486, title XIX, §1914(d), Oct. 24, 1992, 106 Stat. 3023, added item 45.

1990—Pub. L. 101-508, title XI, §§11511(c)(1), 11611(d), Nov. 5, 1990, 104 Stat. 1388-485, 1388-503, added items 43 and 44.

1986—Pub. L. 99-514, title II, §§231(d)(3)(K), 252(d), Oct. 22, 1986, 100 Stat. 2180, 2205, added item 41 relating to credit for increasing research activities and item 42.

1984—Pub. L. 98-369, div. A, title IV, §471(b), July 18, 1984, 98 Stat. 826, added subpart D heading and analysis of sections for subpart D, consisting of items 38 (new), 39 (new), 40 (formerly 44E), and 41 (formerly 44G). Former subpart D was redesignated F.

§ 38. General business credit

(a) Allowance of credit

There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

- (1) the business credit carryforwards carried to such taxable year,
- (2) the amount of the current year business credit, plus
- (3) the business credit carrybacks carried to such taxable year.

(b) Current year business credit

For purposes of this subpart, the amount of the current year business credit is the sum of the following credits determined for the taxable year:

- (1) the investment credit determined under section 46,
- (2) the work opportunity credit determined under section 51(a),
- (3) the alcohol fuels credit determined under section 40(a),
- (4) the research credit determined under section 41(a),
- (5) the low-income housing credit determined under section 42(a),
- (6) the enhanced oil recovery credit under section 43(a),
- (7) in the case of an eligible small business (as defined in section 44(b)), the disabled access credit determined under section 44(a),