

2006—Subsec. (e)(6). Pub. L. 109-280 added par. (6).  
 2003—Subsec. (e)(1)(B)(v). Pub. L. 108-173 added cl. (v).  
 2000—Subsec. (e)(1)(B)(iv). Pub. L. 106-554, §1(a)(7) [title II, §202(b)(10)], substituted “an Archer MSA” for “a Archer MSA”.  
 Pub. L. 106-554, §1(a)(7) [title II, §202(a)(5)], substituted “Archer MSA” for “medical savings account”.  
 1996—Subsec. (e)(1)(B)(iv). Pub. L. 104-191 added cl. (iv).  
 1993—Subsec. (g). Pub. L. 103-66 substituted “this section or section 197” for “this section”.

## EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by section 12001(b)(8)(C) of Pub. L. 115-97 applicable to taxable years beginning after Dec. 31, 2017, see section 12001(c) of Pub. L. 115-97, set out as a note under section 11 of this title.

Amendment by section 13517(b)(4) of Pub. L. 115-97 applicable to taxable years beginning after Dec. 31, 2017, with transition rule and transition relief, see section 13517(c) of Pub. L. 115-97, set out as a note under section 807 of this title.

Pub. L. 115-97, title I, §13519(c), Dec. 22, 2017, 131 Stat. 2148, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending this section] shall apply to net premiums for taxable years beginning after December 31, 2017.

“(2) TRANSITION RULE.—Specified policy acquisition expenses first required to be capitalized in a taxable year beginning before January 1, 2018, will continue to be allowed as a deduction ratably over the 120-month period beginning with the first month in the second half of such taxable year.”

## EFFECTIVE DATE OF 2014 AMENDMENT

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

## EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-280 applicable to contracts issued after Dec. 31, 1996, but only with respect to taxable years beginning after Dec. 31, 2009, and to specified policy acquisition expenses determined for taxable years beginning after Dec. 31, 2009, see section 844(g)(1), (4) of Pub. L. 109-280, set out as a note under section 72 of this title.

## EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-173 applicable to taxable years beginning after Dec. 31, 2003, see section 1201(k) of Pub. L. 108-173, set out as a note under section 62 of this title.

## EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-191 applicable to taxable years beginning after Dec. 31, 1996, see section 301(j) of Pub. L. 104-191, set out as a note under section 62 of this title.

## EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-66 applicable, except as otherwise provided, with respect to property acquired after Aug. 10, 1993, see section 13261(g) of Pub. L. 103-66, set out as an Effective Date note under section 197 of this title.

## EFFECTIVE DATE

Pub. L. 101-508, title XI, §11301(d)(1), Nov. 5, 1990, 104 Stat. 1388-449, provided that: “The amendments made by subsections (a) and (c) [enacting this section] shall apply to taxable years ending on or after September 30, 1990. Any capitalization required by reason of such amendments shall not be treated as a change in method of accounting for purposes of the Internal Revenue Code of 1986.”

## Subchapter M—Regulated Investment Companies and Real Estate Investment Trusts

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| Part I. | Regulated investment companies.  |
| II.     | Real estate investment trusts.   |
| III.    | Provisions which apply to both regulated investment companies and real estate investment trusts. |
| IV.     | Real estate mortgage investment conduits.  |
| [V.]    | Repealed.]   |

## AMENDMENTS

2004—Pub. L. 108-357, title VIII, §835(b)(12), Oct. 22, 2004, 118 Stat. 1594, struck out item for part V “Financial asset securitization investment trusts”.

1996—Pub. L. 104-188, title I, §1621(c), Aug. 20, 1996, 110 Stat. 1867, added item for part V.

1988—Pub. L. 100-647, title I, §1018(u)(30), Nov. 10, 1988, 102 Stat. 3591, added item for part IV.

1978—Pub. L. 95-600, title III, §362(d)(8), Nov. 6, 1978, 92 Stat. 2852, added item for part III.

## PART I—REGULATED INVESTMENT COMPANIES

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|-------|---|
| Sec.  |   |
| 851.  | Definition of regulated investment company.                                     |
| 852.  | Taxation of regulated investment companies and their shareholders.              |
| 853.  | Foreign tax credit allowed to shareholders.                                     |
| 853A. | Credits from tax credit bonds allowed to shareholders.                          |
| 854.  | Limitations applicable to dividends received from regulated investment company. |
| 855.  | Dividends paid by regulated investment company after close of taxable year.     |

## AMENDMENTS

2009—Pub. L. 111-5, div. B, title I, §1541(b)(3), Feb. 17, 2009, 123 Stat. 362, added item 853A.

1980—Pub. L. 96-223, title IV, §404(b)(7), Apr. 2, 1980, 94 Stat. 307, inserted “and taxable interest” after “dividends” in item 854 for taxable years after Dec. 31, 1980, and before Jan. 1, 1982.

1960—Pub. L. 86-779, §10(b)(1), Sept. 14, 1960, 74 Stat. 1008, inserted “and Real Estate Investment Trusts” in subchapter M heading, part I and part II designations thereunder and part I designation preceding table of sections numbered 851 to 855.

### §851. Definition of regulated investment company

#### (a) General rule

For purposes of this subtitle, the term “regulated investment company” means any domestic corporation—

(1) which, at all times during the taxable year—

(A) is registered under the Investment Company Act of 1940, as amended (15 U.S.C. 80a-1 to 80b-2) as a management company or unit investment trust, or

(B) has in effect an election under such Act to be treated as a business development company, or

(2) which is a common trust fund or similar fund excluded by section 3(c)(3) of such Act (15 U.S.C. 80a-3(c)) from the definition of “investment company” and is not included in the definition of “common trust fund” by section 584(a).

#### (b) Limitations

A corporation shall not be considered a regulated investment company for any taxable year unless—