

[§ 1397E. Repealed. Pub. L. 115-97, title I, § 13404(c)(1), Dec. 22, 2017, 131 Stat. 2138]

Section, added Pub. L. 105-34, title II, § 226(a), Aug. 5, 1997, 111 Stat. 821; amended Pub. L. 105-206, title VI, § 6004(g)(2)-(4), July 22, 1998, 112 Stat. 796; Pub. L. 106-78, title VII, § 752(b)(11), Oct. 22, 1999, 113 Stat. 1169; Pub. L. 106-170, title V, § 509, Dec. 17, 1999, 113 Stat. 1924; Pub. L. 107-110, title X, § 1076(t), Jan. 8, 2002, 115 Stat. 2092; Pub. L. 107-147, title VI, § 608(a), Mar. 9, 2002, 116 Stat. 60; Pub. L. 108-311, title III, § 304(a), title IV, § 406(c), Oct. 4, 2004, 118 Stat. 1179, 1189; Pub. L. 109-58, title XIII, § 1303(c)(2), (3), Aug. 8, 2005, 119 Stat. 997; Pub. L. 109-432, div. A, title I, § 107(a), (b)(1), Dec. 20, 2006, 120 Stat. 2938; Pub. L. 110-234, title XV, § 15316(c)(2), May 22, 2008, 122 Stat. 1511; Pub. L. 110-246, § 4(a), title XV, § 15316(c)(2), June 18, 2008, 122 Stat. 1664, 2273; Pub. L. 110-343, div. C, title III, § 313(b)(3), Oct. 3, 2008, 122 Stat. 3872; Pub. L. 111-5, div. B, title I, § 1531(c)(3), Feb. 17, 2009, 123 Stat. 360; Pub. L. 114-95, title IX, § 9215(uu)(3), Dec. 10, 2015, 129 Stat. 2183, related to credit to holders of qualified zone academy bonds.

EFFECTIVE DATE OF REPEAL

Repeal applicable to bonds issued after Dec. 31, 2017, see section 13404(d) of Pub. L. 115-97, set out as a note under former section 54 of this title.

PART V—REGULATIONS

Sec.

1397F. Regulations.

AMENDMENTS

1997—Pub. L. 105-34, title II, § 226(a), (b)(2), Aug. 5, 1997, 111 Stat. 820, 824, redesignated part IV of this subchapter as this part and item 1397D as 1397F.

§ 1397F. Regulations

The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of parts II and III, including—

(1) regulations limiting the benefit of parts II and III in circumstances where such benefits, in combination with benefits provided under other Federal programs, would result in an activity being 100 percent or more subsidized by the Federal Government,

(2) regulations preventing abuse of the provisions of parts II and III, and

(3) regulations dealing with inadvertent failures of entities to be enterprise zone businesses.

(Added Pub. L. 103-66, title XIII, § 13301(a), Aug. 10, 1993, 107 Stat. 555, § 1397D; renumbered § 1397F, Pub. L. 105-34, title II, § 226(a), Aug. 5, 1997, 111 Stat. 820; amended Pub. L. 105-206, title VI, § 6004(g)(1), July 22, 1998, 112 Stat. 796.)

AMENDMENTS

1998—Pub. L. 105-206 amended directory language of Pub. L. 105-34, § 226(a). See 1997 Amendment note below.

1997—Pub. L. 105-34, § 226(a), as amended by Pub. L. 105-206, renumbered section 1397D of this title as this section.

Subchapter V—Title 11 Cases

Sec.

1398. Rules relating to individuals' title 11 cases.

1399. No separate taxable entities for partnerships, corporations, etc.

AMENDMENTS

1980—Pub. L. 96-589, § 3(a)(1), Dec. 24, 1980, 94 Stat. 3397, added subchapter V heading "Title 11 Cases" and items 1398 and 1399.

§ 1398. Rules relating to individuals' title 11 cases

(a) Cases to which section applies

Except as provided in subsection (b), this section shall apply to any case under chapter 7 (relating to liquidations) or chapter 11 (relating to reorganizations) of title 11 of the United States Code in which the debtor is an individual.

(b) Exceptions where case is dismissed, etc.

(1) Section does not apply where case is dismissed

This section shall not apply if the case under chapter 7 or 11 of title 11 of the United States Code is dismissed.

(2) Section does not apply at partnership level

For purposes of subsection (a), a partnership shall not be treated as an individual, but the interest in a partnership of a debtor who is an individual shall be taken into account under this section in the same manner as any other interest of the debtor.

(c) Computation and payment of tax; basic standard deduction

(1) Computation and payment of tax

Except as otherwise provided in this section, the taxable income of the estate shall be computed in the same manner as for an individual. The tax shall be computed on such taxable income and shall be paid by the trustee.

(2) Tax rates

The tax on the taxable income of the estate shall be determined under subsection (d) of section 1.

(3) Basic standard deduction

In the case of an estate which does not itemize deductions, the basic standard deduction for the estate for the taxable year shall be the same as for a married individual filing a separate return for such year.

(d) Taxable year of debtors

(1) General rule

Except as provided in paragraph (2), the taxable year of the debtor shall be determined without regard to the case under title 11 of the United States Code to which this section applies.

(2) Election to terminate debtor's year when case commences

(A) In general

Notwithstanding section 442, the debtor may (without the approval of the Secretary) elect to treat the debtor's taxable year which includes the commencement date as 2 taxable years—

(i) the first of which ends on the day before the commencement date, and

(ii) the second of which begins on the commencement date.

(B) Spouse may join in election

In the case of a married individual (within the meaning of section 7703), the spouse may elect to have the debtor's election under subparagraph (A) also apply to the spouse, but only if the debtor and the spouse file a