

692 of the Internal Revenue Code of 1986 [formerly I.R.C. 1954] (as amended by subsection (a) of this section) is prevented at any time before the expiration of one year after the date of the enactment of this Act [Jan. 2, 1975] by the operation of any law or rule of law, but would not have been so prevented if claim for refund or credit therefor were made on the due date for the return for the taxable year of his death (or any later year), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed before the expiration of such one-year period.”

TREATMENT OF DIRECTOR GENERAL OF MULTINATIONAL FORCE IN SINAI

Pub. L. 98-369, div. A, title VII, § 722(g)(4), July 18, 1984, 98 Stat. 974, as amended by Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095, provided that: “For purposes of section 692(c) of the Internal Revenue Code of 1986 [formerly I.R.C. 1954], the Director General of the Multinational Force and Observers in the Sinai who died on February 15, 1984, shall be treated as if he were a civilian employee of the United States while he served as such Director General.”

Subchapter K—Partners and Partnerships

Part

- I. Determination of tax liability.
- II. Contributions, distributions, and transfers.
- III. Definitions.
- IV. Repealed.]

AMENDMENTS

2015—Pub. L. 114-74, title XI, § 1101(b)(1), Nov. 2, 2015, 129 Stat. 625, struck out item for part IV “Special rules for electing large partnerships”.

1997—Pub. L. 105-34, title XII, § 1221(b), Aug. 5, 1997, 111 Stat. 1008, added item for part IV.

PART I—DETERMINATION OF TAX LIABILITY

Sec.

- 701. Partners, not partnership, subject to tax.
- 702. Income and credits of partner.
- 703. Partnership computations.
- 704. Partner's distributive share.
- 705. Determination of basis of partner's interest.
- 706. Taxable years of partner and partnership.
- 707. Transactions between partner and partnership.
- 708. Continuation of partnership.
- 709. Treatment of organization and syndication fees.

AMENDMENTS

1976—Pub. L. 94-455, title II, § 213(b)(2), title XIX, § 1901(b)(23), Oct. 4, 1976, 90 Stat. 1547, 1798, struck out part IV “Effective date for subchapter” in table of parts of subchapter K of chapter 1 and added item 709.

§ 701. Partners, not partnership, subject to tax

A partnership as such shall not be subject to the income tax imposed by this chapter. Persons carrying on business as partners shall be liable for income tax only in their separate or individual capacities.

(Aug. 16, 1954, ch. 736, 68A Stat. 239.)

§ 702. Income and credits of partner

(a) General rule

In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

- (1) gains and losses from sales or exchanges of capital assets held for not more than 1 year,

- (2) gains and losses from sales or exchanges of capital assets held for more than 1 year,

- (3) gains and losses from sales or exchanges of property described in section 1231 (relating to certain property used in a trade or business and involuntary conversions),

- (4) charitable contributions (as defined in section 170(c)),

- (5) dividends with respect to which section 1(h)(11) or part VIII of subchapter B applies,

- (6) taxes, described in section 901, paid or accrued to foreign countries and to possessions of the United States,

- (7) other items of income, gain, loss, deduction, or credit, to the extent provided by regulations prescribed by the Secretary, and

- (8) taxable income or loss, exclusive of items requiring separate computation under other paragraphs of this subsection.

(b) Character of items constituting distributive share

The character of any item of income, gain, loss, deduction, or credit included in a partner's distributive share under paragraphs (1) through (7) of subsection (a) shall be determined as if such item were realized directly from the source from which realized by the partnership, or incurred in the same manner as incurred by the partnership.

(c) Gross income of a partner

In any case where it is necessary to determine the gross income of a partner for purposes of this title, such amount shall include his distributive share of the gross income of the partnership.

(d) Cross reference

For rules relating to procedures for determining the tax treatment of partnership items see subchapter C of chapter 63 (section 6221 and following).

(Aug. 16, 1954, ch. 736, 68A Stat. 239; Pub. L. 88-272, title II, § 201(d)(7), Feb. 26, 1964, 78 Stat. 32; Pub. L. 94-455, title XIV, § 1402(b)(1)(L), (2), title XIX, §§ 1901(b)(1)(I)(i), (ii), 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1732, 1791, 1834; Pub. L. 96-223, title IV, § 404(b)(5), Apr. 2, 1980, 94 Stat. 307; Pub. L. 97-34, title III, § 301(b)(5), (6)(C), Aug. 13, 1981, 95 Stat. 270; Pub. L. 97-248, title IV, § 402(c)(1), Sept. 3, 1982, 96 Stat. 667; Pub. L. 97-448, title I, § 103(a)(4), Jan. 12, 1983, 96 Stat. 2375; Pub. L. 98-369, div. A, title X, § 1001(b)(9), (e), July 18, 1984, 98 Stat. 1011, 1012; Pub. L. 99-514, title VI, § 612(b)(5), Oct. 22, 1986, 100 Stat. 2250; Pub. L. 108-27, title III, § 302(e)(8), May 28, 2003, 117 Stat. 764.)

AMENDMENTS

2003—Subsec. (a)(5). Pub. L. 108-27 amended par. (5) generally. Prior to amendment, par. (5) read as follows: “dividends with respect to which there is a deduction under part VIII of subchapter B.”

1986—Subsec. (a)(5). Pub. L. 99-514 amended par. (5) generally. Prior to amendment, par. (5) read as follows: “dividends or interest with respect to which there is an exclusion under section 116 or 128, or a deduction under part VIII of subchapter B.”

1984—Subsec. (a)(1), (2). Pub. L. 98-369 substituted “6 months” for “1 year”, applicable to property acquired after June 22, 1984, and before Jan. 1, 1988. See Effective Date of 1984 Amendment note below.

1983—Subsec. (a)(5). Pub. L. 97-448 substituted “an exclusion under section 116 or 128,” for “provided an exclusion under section 116 or 128”.