

## Internal Revenue Code Section 55(b)(3)

### Alternative minimum tax imposed

- (a) General rule. There is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to the excess (if any) of—
  - (1) the tentative minimum tax for the taxable year, over
  - (2) the regular tax for the taxable year.
- (b) Tentative minimum tax. For purposes of this part—
  - (1) Amount of tentative tax.
    - (A) Noncorporate taxpayers.
      - (i) In general. In the case of a taxpayer other than a corporation, the tentative minimum tax for the taxable year is the sum of—
        - (I) 26 percent of so much of the taxable excess as does not exceed \$175,000, plus
        - (II) 28 percent of so much of the taxable excess as exceeds \$175,000. The amount determined under the preceding sentence shall be reduced by the alternative minimum tax foreign tax credit for the taxable year.
      - (ii) Taxable excess. For purposes of this subsection, the term "taxable excess" means so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount.
      - (iii) Married individual filing separate return. In the case of a married individual filing a separate return, clause (i) shall be applied by substituting "\$87,500" for "\$175,000" each place it appears. For purposes of the preceding sentence, marital status shall be determined under section 7703.
    - (B) Corporations. In the case of a corporation, the tentative minimum tax for the taxable year is—
      - (i) 20 percent of so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount, reduced by

(ii) the alternative minimum tax foreign tax credit for the taxable year.

(2) Alternative minimum taxable income. The term "alternative minimum taxable income" means the taxable income of the taxpayer for the taxable year—

(A) determined with the adjustments provided in section 56 and section 58, and

(B) increased by the amount of the items of tax preference described in section 57. If a taxpayer is subject to the regular tax, such taxpayer shall be subject to the tax imposed by this section (and, if the regular tax is determined by reference to an amount other than taxable income, such amount shall be treated as the taxable income of such taxpayer for purposes of the preceding sentence).



(3) Maximum rate of tax on net capital gain of noncorporate taxpayers. The amount determined under the first sentence of paragraph (1)(A)(i) shall not exceed the sum of—

(A) the amount determined under such first sentence computed at the rates and in the same manner as if this paragraph had not been enacted on the taxable excess reduced by the lesser of—

(i) the net capital gain; or

(ii) the sum of—

(I) the adjusted net capital gain, plus

(II) the unrecaptured section 1250 gain, plus

(B) 5 percent (0 percent in the case of taxable years beginning after 2007) of so much of the adjusted net capital gain (or, if less, taxable excess) as does not exceed an amount equal to the excess described in section 1(h)(1)(B), plus

(C) 15 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the amount on which tax is determined under subparagraph (B), plus

(D) 25 percent of the amount of taxable excess in excess of the sum of the amounts on which tax is determined under the preceding subparagraphs of this paragraph. Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h) but computed with the adjustments under this part.

- (4) Maximum rate of tax on qualified timber gain of corporations. In the case of any taxable year to which section 1201(b) applies, the amount determined under clause (i) of subparagraph (B) shall not exceed the sum of—
- (A) 20 percent of so much of the taxable excess (if any) as exceeds the qualified timber gain (or, if less, the net capital gain), plus
  - (B) 15 percent of the taxable excess in excess of the amount on which a tax is determined under subparagraph (A). Any term used in this paragraph which is also used in section 1201 shall have the meaning given such term by such section, except to the extent such term is subject to adjustment under this part.