


### Internal Revenue Code Section 1212(b)(1)

#### Capital Loss Carrybacks and Carryovers

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(b) Other taxpayers.

 (1) In general.

If a taxpayer other than a corporation has a net capital loss for any taxable year-

(A) the excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss in the succeeding taxable year, and

(B) the excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss in the succeeding taxable year.

(2) Treatment of amounts allowed under section 1211(b)(1) or (2) .

(A) In general. For purposes of determining the excess referred to in subparagraph (A) or (B) of paragraph (1) , there shall be treated as a short-term capital gain in the taxable year an amount equal to the lesser of-

(i) the amount allowed for the taxable year under paragraph (1) or (2) of section 1211(b) , or

(ii) the adjusted taxable income for such taxable year.

(B) Adjusted taxable income. For purposes of subparagraph (A) , the term "adjusted taxable income" means taxable income increased by the sum of-

(i) the amount allowed for the taxable year under paragraph (1) or (2) of section 1211(b) , and

(ii) the deduction allowed for such year under section 151 or any deduction in lieu thereof.

For purposes of the preceding sentence, any excess of the deductions allowed for the taxable year over the gross income for such year shall be taken into account as negative taxable income.

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