

Internal Revenue Code Section 59(a)

Other definitions and special rules.



(a) Alternative minimum tax foreign tax credit.
For purposes of this part-

(1) In general.

The alternative minimum tax foreign tax credit for any taxable year shall be the credit which would be determined under section 27(a) for such taxable year if-

(A) the pre-credit tentative minimum tax were the tax against which such credit was taken for purposes of section 904 for the taxable year and all prior taxable years beginning after December 31, 1986,

(B) section 904 were applied on the basis of alternative minimum taxable income instead of taxable income, and

(C) the determination of whether any income is high-taxed income for purposes of section 904(d)(2) were made on the basis of the applicable rate specified in subparagraph (A)(i) or (B)(i) of section 55(b)(1) (whichever applies) in lieu of the highest rate of tax specified in section 1 or 11 (whichever applies).

(2) Pre-credit tentative minimum tax.

For purposes of this subsection , the term "pre-credit tentative minimum tax" means-

(A) in the case of a taxpayer other than a corporation, the amount determined under the first sentence of section 55(b)(1)(A)(i) , or

(B) in the case of a corporation, the amount determined under section 55(b)(1)(B)(i) .

(3) Election to use simplified section 904 limitation.

(A) In general. In determining the alternative minimum tax foreign tax credit for any taxable year to which an election under this paragraph applies-

(i) subparagraph (B) of paragraph (1) shall not apply, and

(ii) the limitation of section 904 shall be based on the proportion which-

(I) the taxpayer's taxable income (as determined for purposes of the regular tax) from sources without the United States (but not in excess of the taxpayer's entire alternative minimum taxable income), bears to

(II) the taxpayer's entire alternative minimum taxable income for the taxable year.

(B) Election.

(i) In general. An election under this paragraph may be made only for the taxpayer's first taxable year which begins after December 31, 1997, and for which the taxpayer claims an alternative minimum tax foreign tax credit.

(ii) Election revocable only with consent. An election under this paragraph , once made, shall apply to the taxable year for which made and all subsequent taxable years unless revoked with the consent of the Secretary.

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