Internal Revenue Service, Treasury

to the computation under section 1341(a)(5):
(i) The tax for the taxable year without the deduction described in section 1341(a)(2);
(ii) The tax for each prior taxable year (determined before adjustment under section 1341) for which a decrease in tax is computed under section 1341(a)(5)(B);
(iii) The decrease in tax for each prior taxable year computed under section 1341(a)(5)(B), including any decrease resulting from a net operating loss or capital loss described in section 1341(b)(4)(B); and
(iv) The amount treated as an overpayment of tax under section 1341(b)(1).

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(e) Time and place for filing. The application must be filed no earlier than the date of filing the return for the taxable year of restoration and no later than the date 12 months from the last day of that taxable year. The application must be filed with the Internal Revenue Service Center (or other office) where the taxpayer filed its return for the taxable year of restoration.

(f) Not a claim for credit or refund. An application for tentative refund under section 1341(b)(1), (e) Time and place for filing. The application must be filed no earlier than the date of filing the return for the taxable year of restoration and no later than the date 12 months from the last day of that taxable year. The application must be filed with the Internal Revenue Service Center (or other office) where the taxpayer filed its return for the taxable year of restoration.

(i) Not a claim for credit or refund. An application for tentative refund under section 1341(b)(1), (e) Time and place for filing. The application must be filed no earlier than the date of filing the return for the taxable year of restoration and no later than the date 12 months from the last day of that taxable year. The application must be filed with the Internal Revenue Service Center (or other office) where the taxpayer filed its return for the taxable year of restoration.

For purposes of section 1341(b)(2)(A)(iii), the determination of whether any amount is paid or incurred to another person for the right to use personal property in the conduct of qualified research shall be made without regard to the characterization of the transaction as a lease under section 1341(b)(1). See § 5c.103–3(b).

§ 5c.103–1 Leases and capital expenditures.

For purposes of section 1341(b)(2)(A)(iii), the determination of whether any amount is paid or incurred to another person for the right to use personal property in the conduct of qualified research shall be made without regard to the characterization of the transaction as a lease under section 1341(b)(1). See § 5c.103–3(b).

§ 5c.103–2 Leases and industrial development bonds.

For purposes of section 1341(b)(2)(A)(iii), the determination of whether any amount is paid or incurred to another person for the right to use personal property in the conduct of qualified research shall be made without regard to the characterization of the transaction as a lease under section 1341(b)(1). See § 5c.103–3(b).

§ 5c.103–3 Leases and arbitrage.

For purposes of section 1341(b)(2)(A)(iii), the determination of whether any amount is paid or incurred to another person for the right to use personal property in the conduct of qualified research shall be made without regard to the characterization of the transaction as a lease under section 1341(b)(1). See § 5c.103–3(b).

In the case of a sale and leaseback transaction qualifying under section