§ 6233. Extension to entities filing partnership returns, etc.

(a) General rule

If a partnership return is filed by an entity for a taxable year but it is determined that the entity is not a partnership for such year, then, to the extent provided in regulations, the provisions of this subchapter are hereby extended in respect of such year to such entity and its items and to persons holding an interest in such entity.

(b) Similar rules in certain cases

If for any taxable year—

(1) an entity files a return as an S corporation but it is determined that the entity was not an S corporation for such year, or

(2) a partnership return or S corporation return is filed but it is determined that there is no entity for such taxable year,

then, to the extent provided in regulations, rules similar to the rules of subsection (a) shall apply.

(Added Pub. L. 98–369, div. A, title VII, § 714(p)(1), July 18, 1984, 98 Stat. 964.)

EFFECTIVE DATE

Section effective as if included in the provision of the Tax Equity and Fiscal Responsibility Act of 1982, Pub. L. 97–248, to which such amendment relates, see section 715 of Pub. L. 98–369, set out as an Effective Date of 1984 Amendment note under section 31 of this title.

Subchapter D—Tax Treatment of Subchapter S Items

Sec.
6241. Tax treatment determined at corporate level.
6242. Shareholder's return must be consistent with corporate return or Secretary notified of inconsistency.
6243. All shareholders to be notified of proceedings and given opportunity to participate.
6244. Certain partnership provisions made applicable.
6245. Subchapter S item defined.

AMENDMENTS

1982—Pub. L. 97–354, § 4(a), Oct. 19, 1982, 96 Stat. 1691, added subchapter D heading and items 6241 to 6245.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1366 of this title.

§ 6241. Tax treatment determined at corporate level

Except as otherwise provided in regulations prescribed by the Secretary, the tax treatment of any subchapter S item shall be determined at the corporate level.

(Added Pub. L. 97–354, § 4(a), Oct. 19, 1982, 96 Stat. 1691.)

EFFECTIVE DATE

Subchapter applicable to taxable years beginning after Dec. 31, 1982, see section 6(a) of Pub. L. 97–354, set out as a note under section 1361 of this title.

§ 6242. Shareholder's return must be consistent with corporate return or Secretary notified of inconsistency

A shareholder of an S corporation shall, on such shareholder's return, treat a subchapter S item in a manner which is consistent with the treatment of such item on the corporate return unless the shareholder notifies the Secretary (at the time and in the manner prescribed by regulations) of the inconsistency.

(Added Pub. L. 97–354, § 4(a), Oct. 19, 1982, 96 Stat. 1691.)

§ 6243. All shareholders to be notified of proceedings and given opportunity to participate

In the manner and at the time prescribed in regulations, each shareholder in a corporation shall be given notice of, and the right to participate in, any administrative or judicial proceeding for the determination at the corporate level of any subchapter S item.

(Added Pub. L. 97–354, § 4(a), Oct. 19, 1982, 96 Stat. 1691.)

§ 6244. Certain partnership provisions made applicable

The provisions of—

(1) subchapter C which relate to—

(A) assessing deficiencies, and filing claims for credit or refund, with respect to partnership items, and

(B) judicial determination of partnership items, and

(2) so much of the other provisions of this subtitle as relate to partnership items,

are (except to the extent modified or made inapplicable in regulations) hereby extended to and made applicable to subchapter S items.

(Added Pub. L. 97–354, § 4(a), Oct. 19, 1982, 96 Stat. 1691.)

§ 6245. Subchapter S item defined

For purposes of this subchapter, the term ''subchapter S item'' means any item of an S corporation to the extent regulations prescribed by the Secretary provide that, for purposes of this subtitle, such item is more appropriately determined at the corporate level than at the shareholder level.

(Added Pub. L. 97–354, § 4(a), Oct. 19, 1982, 96 Stat. 1692.)

CHAPTER 64—COLLECTION

Subchapter		Sec.[1]
A.	General provisions	6301
B.	Receipt of payment	6311
C.	Lien for taxes	6321
D.	Seizure of property for collection of taxes	6331
[E.	Repealed.]	

AMENDMENTS

1990—Pub. L. 101–508, title XI, § 11801(b)(14), Nov. 5, 1990, 104 Stat. 1388–522, struck out item for subchapter E ''Collection of State individual income taxes''.

1972—Pub. L. 92–512, title II, § 202(b), Oct. 20, 1972, 86 Stat. 944, added item for subchapter E.

Subchapter A—General Provisions

Sec.
6301. Collection authority

[1] Section numbers editorially supplied.