



Technical Corrections for the Tax Cuts and Jobs Act

Below is a chart containing the technical corrections contained in the Joint Committee on Taxation’s *General Explanation of General Law 115-97* (JCT Bluebook) and Rep. Kevin Brady’s *Tax Technical and Clerical Corrections Act Discussion Draft*.

Topic	Page of JCT Bluebook	Footnote in JCT Bluebook	Description of technical correction in JCT General Explanation	Brady technical correction discussion draft amendments relating to Public Law 115-97
Individual Tax Rates	7	17	Round the bracket breakpoints applicable to heads of household (HOH) down to the nearest \$25 to retain uniformity between HOH and single filers	<i>Amendments relating to TCJA Sec. 11001: Sec. 4(a)</i>
Individual Tax Rates	N/A	N/A		<i>Amendments relating to TCJA Sec. 11001: Sec. 4(a)</i> (Clarifies rate structure for tax years 2018 through 2025)
Kiddie Tax	7	19	To reflect the intent that net unearned income of a child is taxed according to the tax table applicable to a trust, while earned income is taxed according to the table applicable to the child	<i>Amendments relating to TCJA Sec. 11001: Sec. 4(a)(3)</i>
199A Qualified Business Income Deduction	N/A	N/A		<i>Amendments relating to TCJA Sec. 11011: Sec. 4(b)(1)</i> (Coordinates the treatment of qualified REIT dividends and qualified PTP income under section 199A with the investment interest deduction limitation)
199A Qualified Business Income Deduction	23	118	Clarify that qualified business loss carryover shall not cause a taxpayer’s deductible amounts	<i>Amendments relating to TCJA Sec. 11011: Sec. 4(b)(2)</i>

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			for its qualified trades or businesses to be reduced below zero	
199A Qualified Business Income Deduction	30	153	Clarify that the holding period rules similar to section 1(h)(11)(B)(iii) apply to qualified REIT dividends under section 199A	<i>Amendments relating to TCJA Sec. 11011: Sec. 4(b)(3)</i>
199A Qualified Business Income Deduction	31	166	Reflect intent that combined qualified business income amount cannot be less than zero	<i>Amendments relating to TCJA Sec. 11011: Sec. 4(b)(2)</i>
199A Qualified Business Income Deduction	37	197	Clarify that the qualified business income deduction cannot be reduced to less than zero as a result of a qualified business loss carryover	N/A
199A Qualified Business Income Deduction	N/A	N/A		<i>Amendments relating to TCJA Sec. 11011: Sec. 4(b)(4)</i> (Clarifies determinations for the minimum tax under section 55(b))
199A Qualified Business Income Deduction	N/A	N/A		<i>Amendments relating to TCJA Sec. 11011: Sec. 4(b)(5)</i> (Clarifies that an individual shareholder of a RIC takes into account, for purposes of section 199A, amounts reported by the RIC as qualified REIT dividends or qualified PTP income)
199A Qualified Business Income Deduction	N/A	N/A		<i>Amendments relating to TCJA Sec. 11011: Sec. 4(b)(6)</i> (Confirms that any item taken into account in determining the combined qualified business income amount under section 199A cannot be taken into account in determining the qualified production activities income under former section 199)
461(l) Limitation on Losses	39	206	Clarify that a disallowed business loss is treated as an NOL arising in the taxable year and may be carried over to subsequent tax years	<i>Amendments to the TCJA relating to Sec. 11012: Sec. 4(c)(1)</i>

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461(l) Limitation on Losses	40	208	Clarify that the aggregate deductions taken into account to determine the excess business loss are determined without regard to deductions under section 172 or 199A	<i>Amendments to the TCJA relating to Sec. 11012: Sec. 4(c)(2)(A)</i>
461(l) Limitation on Losses	40	209	Excess business loss does not take into account gross income or gains or deductions attributable to the trade or business of performance of services as an employee	<i>Amendments to the TCJA relating to Sec. 11012: Sec. 4(c)(2)(B)</i>
Child Tax Credit	45	223	Retain the prior-law definition of a dependent for purposes of the \$500 credit for each dependent other than a qualifying child	N/A
Child Tax Credit	45	226	Require tax returns to include the name of the dependent and TIN when claiming the \$500 nonrefundable qualifying dependent credit	<i>Amendments to the TCJA relating to Sec. 11022: Sec. 4(d)(1)</i>
Child Tax Credit	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 11022: Sec. 4(d)(2)</i> (Clarifies that the Social Security number required to claim the child tax credit with respect to a qualifying child be issued on or before the due date for filing the return)
Charitable Contributions	51	253	Clarify that the 60-percent limit for cash contributions is intended to be applied after the amount of noncash contributions to organizations described in section 170(b)(1)(A)	<i>Amendments to the TCJA relating to Sec. 11023: Sec. 4(e)(1)</i>
Charitable Contributions	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 11023: Sec. 4(e)(2)</i> (Makes a conforming change to the 30-percent limit applicable to certain charitable contributions to organizations that are not public charities)
Discharge of Student Loans	62	276	Include Parent PLUS loans as loans eligible for exclusion of student loan discharges from gross income on account of death or disability	<i>Amendments to the TCJA relating to Sec. 11031: Sec. 4(f)</i>

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Non-child Dependents	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 11041: Sec. 4(g)</i> (Clarifies that an individual other than a child may qualify as a dependent of another taxpayer if such individual has gross income not in excess of \$4,150 (indexed to inflation))
State and Local Tax Deduction	68	294	Clarify that the deduction for amounts paid to a cooperative housing corporation by a tenant-stockholder under section 216(a)(1) are subject to the SALT deduction limitation similar to the deduction for real estate taxes under section 164	N/A
State and Local Tax Deduction	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 11042: Sec. 4(h)(1)(B)</i> (Clarifies that the aggregate amount of the SALT deductions allowed to a taxpayer may not exceed \$10,000)
State and Local Tax Deduction	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 11042: Sec. 4(h)(1)(A)</i> (Clarifies that no deduction is allowed for foreign real property taxes)
State and Local Tax Deduction	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 11042: Sec. 4(h)(2)</i> (Clarifies that a prepayment of income tax in taxable years beginning in 2017 is treated as paid on the last day of the tax year for which the tax is imposed)
Qualified Bicycle Commuting	75	315	Reflect that temporary suspension of qualified bicycle commuting reimbursements relates to the exclusion under section 132(a)(5) rather	<i>Amendments to the TCJA relating to Sec. 11047: Sec. 4(i).</i>

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			than the definition of qualified bicycle commuting reimbursement as a qualified transportation fringe	
Corporation Minimum Tax Credit	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 12002: Sec. 4(j)(1)-(4)</i> (Clarifies that the section 383 limitation on certain credits does not apply to corporate minimum tax credits. Several other technical corrections are included in this section, as well)
179 Expensing	107	421	Clarify that the definition of qualified real property eligible for section 179 expensing includes certain types of improvements made by the taxpayer	<i>Amendments to the TCJA relating to Sec. 13101: Sec. 4(k)</i>
Bonus Depreciation	124 127	538 558	Clarify that the prior-law phase down of bonus depreciation for property acquired before September 28, 2017 and placed in service after September 27, 2017 is retained	<i>Amendments to the TCJA relating to Sec. 13201: Sec. 4(l)(2)</i>
Bonus Depreciation	126	549	Clarifies that certain excepted utility businesses for purposes of section 163(j) are excluded from bonus depreciation for property placed in service for tax years beginning after December 31, 2017	<i>Amendments to the TCJA relating to Sec. 13201: Sec. 4(l)(3)</i>
Bonus Depreciation	128	559	Taxpayer may elect to apply 50-percent allowance (rather than full expensing) in first tax year ending after September 27, 2017, and beginning before January 1, 2018	<i>Amendments to the TCJA relating to Sec. 13201: Sec. 4(l)(1)</i> (Clarify the transition is only allowed for qualified property acquired after September 27, 2017, and placed in service by the taxpayer during the first tax year ending after such date and beginning before January 1, 2018)
Bonus Depreciation	138	632, 633, 634	Clarify that qualified improvement property made by the taxpayer has a 15-year recovery period and has a 20-year ADS recovery period	<i>Amendments to the TCJA relating to Sec. 13204: Sec. 4(m)(1)</i>

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				(Also clarifies that the 15-year MACRS (or 20-year ADS) recovery period only applies if the qualified improvement property is made by the taxpayer) <i>See Amendments to the TCJA relating to Sec. 13204: Sec. 4(m)(2)</i>
Bonus Depreciation	138	636	Electing real property trade or business for purposes of section 163(j) must use ADS to depreciate various forms of real property and improvements	<i>Amendments to the TCJA relating to Sec. 13204: Sec. 4(m)(3)</i> (Electing real property trade or business is also required to use ADS for any of its qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property. Clarifies that the effective date for this amendment is the effective date for TCJA Sec. 13204)
Circulation and Research and Experimental Expenditures	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 13206: Sec. 4(n)(1) – (5)</i> (Makes conforming changes to the alternative minimum tax rules for individuals and to the rules for making basis adjustments)
163(j) Interest Deduction Limitation	175	877	Clarify treatment of passthrough entities for purposes of the section 163(j) interest deduction limitation	<i>Amendments to the TCJA relating to Sec. 13301: Sec. 4(o)(1), (2)</i>
NOL Deduction	180 181 182	899 903 906	NOL changes apply to losses arising in taxable years beginning after December 31, 2017	<i>Amendments to the TCJA relating to Sec. 13302: Sec. 4(p)(5)</i> (Clarifies that the amendments relating to NOL carryovers and carrybacks and the 80-percent limitation apply to NOLs arising in tax years beginning after December 31, 2017)
NOL Deduction	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 13302: Sec. 4(p)(1)</i>

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				(Clarifies that the taxable income limitation in section 172(a)(2) is calculated without regard to the deductions allowable under sections 172, 199A, and 250)
NOL Deduction	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 13302: Sec. 4(p)(2), (3)</i> (Clarifies the operation of the rules relating to the tax years to which losses may be carried back and carried forward)
NOL Deduction	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 13302: Sec. 4(p)(4)</i> (Conforming changes to the rules regarding the determination of taxable income of holders of residual interests in REMICs)
Employer Deductions	189	957	Clarify that entertainment expense deductions related to business meetings or conventions are not deductible, but eligible food and beverage expenses remain 50 percent deductible	<i>Amendments to the TCJA relating to Sec. 13304: Sec. 4(q)(4), (5)</i>
Employer Deductions	190	962	Clarify determination of costs for the deduction disallowance of qualified parking for employees	N/A
Employer Deductions	190	963	Include qualified transportation fringe expenses in the exception to the deduction disallowance for expenses treated as compensation	<i>Amendments to the TCJA relating to Sec. 13304: Sec. 4(q)(3)</i>
Employer Deductions	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 13304: Sec. 4(q)(1), (2)</i> (Conforms language relating to the deduction disallowance for transportation and parking facilities with the language of section 512(a)(7))
Deny Deduction for Sexual Harassment or	195	981	Attorneys fees incurred by beneficiary of sexual harassment settlement are not covered by the non-deduction rule	<i>Amendments to the TCJA relating to Sec. 13307: Sec. 4(r)</i>

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Abuse Settlement Payments				
Carried Interest	201	1003	Related person means a related person within the meaning of sections 267(b) or 707(b)	<i>Amendments to the TCJA relating to Sec. 13309:</i> Sec. 4(s) (Partner services in an applicable trade or business are attributed to the partnership in which he or she is a partner)
Paid Family Leave Credit	211	1035	Wages with respect to the credit are limited to the employee's normal hourly wage and do not include additional amounts paid during the leave period	<i>Amendments to the TCJA relating to Sec. 13403:</i> Sec. 4(t)(1)
Paid Family Leave Credit	212	1037	All members of an aggregated group are treated as a single employer other than for purposes of the requirement that each employer have in place a written policy with certain terms	<i>Amendments to the TCJA relating to Sec. 13403:</i> Sec. 4(t)(2)
NOLs of Life Insurance Companies	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 13511:</i> Sec. 4(u)(1), (2) (Corrects obsolete references to the prior-law term "loss from operations" and substitutes "net operating losses")
Life Insurance Section 815 Repeal	230	1110	The income inclusion with respect to a policyholders surplus account may not be offset by a credit	
Small Life Insurance Company Deduction Repeal	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 13512:</i> Sec. 4(v)(1), (2), (3) (Clarifies that the prior-law rule providing the principles of section 1503(c) apply to losses from noninsurance businesses is retained. Makes conforming changes reflecting the repeal of the definition of tentative life insurance company taxable income)

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Computation of Life Insurance Reserves	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 13517:</i> Sec. 4(w) (Corrects a reference in section 817A(e)(2) to reference section 808(g))
Capitalization of Policy Acquisition Expenses	241	1152	Correct statutory references to ensure proper percentages apply for determination of specified policy acquisition expenses	<i>Amendments to the TCJA relating to Sec. 13519:</i> Sec. 4(x)(1), (2) (Clarifies transition rule is applicable to expenses allowed as a deduction over a 120-month or 60-month period)
P&C Insurance Reserves	247	1170	10-year period (with any extensions) for loss payment patterns applies to the reinsurance and international lines of businesses	<i>Amendments to the TCJA relating to Sec. 13523:</i> Sec. 4(y)(1), (2) (Provides a rule similar to prior law permitting the Treasury Department to determine the payment patterns for international and reinsurance lines of business based on the combined losses for all lines of business to which the 10-year period applies)
S Corporation Conversion to C Corporation	255	1218	Eligible terminated S corporation may elect out of the rule allocating the accumulated adjustments account (AAA) to a post-termination distribution and treat the distribution as chargeable to E&P, in the same ratio as the AAA bears to the accumulated E&P	<i>Amendments to the TCJA relating to Sec. 13543:</i> Sec. 4(z)
Tax-Exempt Executive Compensation	264	1251	Applicable tax-exempt organizations are intended to include State colleges and universities described in section 511(a)(2)(B)	<i>Amendments to the TCJA relating to Sec. 13602:</i> Sec. 4(aa)
Tax-Exempt Executive Compensation	265	1256	Clarify that related organization rules apply to excess parachute payments and for purposes of determining covered employees	N/A
Tax-Exempt Executive Compensation	266	1264	Liability for the excise tax on an excess parachute payment is intended to be treated the	N/A

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			same as the liability for the excise tax on remuneration	
UBTI for Transportation Fringe Benefits	296	1397	Determination of UBTI in connection with providing qualified transportation fringe benefits is intended to be consistent with treatment under section 274	<i>Amendments to the TCJA relating to Sec. 13703: Sec. 4(bb)</i>
Excise Tax on Certain Wine	N/A	N/A		<i>Amendments to the TCJA relating to Sec. 13804: Sec. 4(cc)</i> (Clarifies that wine producers are allowed to transfer the wine credit in the case of a transfer of wine in bond during the years the modifications made to the wine credit are in effect)
Opportunity Zones	317	1478	Investing in opportunity zones allows for the temporary deferral of inclusion in gross income only of capital gains (not “gains”)	<i>Amendments to the TCJA relating to Sec. 13823: Sec. 4(dd)(1)</i>
Opportunity Zones	318	1486	Only new or substantially improved property qualifies as opportunity zone business property	<i>Amendments to the TCJA relating to Sec. 13823: Sec. 4(dd)(2)</i>
245A Participation Exemption	348	1652	Corporate U.S. shareholder of a CFC receiving a dividend from a 10-percent owned foreign corporation shall be allowed a DRD with respect to the subpart F inclusion attributable to such dividend in the same manner as a dividend would be allowable under section 245A	<i>Amendments relating to TCJA Sec. 14101: Sec. 4(ee)(3)</i>
245A Participation Exemption	349	1653	Certain dividends that qualify for the DRD may result in a subpart F or GILTI inclusion in cases in which any such inclusion is reduced under section 951(a)(2)(B) by reason of a dividend or in certain cases in which the CFC ceases to have a U.S. shareholder with section 958(a) ownership	<i>Amendments relating to TCJA sec. 14101: Sec. 4(ee)(4)</i> (Allocates section 951(a) items to a U.S. shareholder to the extent such U.S. shareholder received a distribution of current E&P that: (1) would give rise to a deduction under section 245A(a), or (2) in the case of a dividend paid directly or indirectly to a CFC with respect to stock owned by the shareholder within the meaning of section 958(a)(2), would not result in subpart F income to the CFC by reason of section 954(b)(4),

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				(c)(3), or (c)(6). Consistent with current law, allocates the remaining section 951(a) items to U.S. shareholders in proportion to their ownership on the last day, in the foreign corporation's taxable year, on which the foreign corporation is a CFC.)
245A Participation Exemption	351	1663	The tiered hybrid dividend rule applies to an amount treated as a dividend in the hands of the recipient CFC (as opposed to amount that is DRD-eligible) and for which the distributing CFC received a deduction or other tax benefit	<i>Amendments relating to TCJA sec. 14101: Sec. 4(ee)(2)</i>
245A Participation Exemption	351	1664	DRD is excluded from adjusted current earnings (ACE) adjustments for purposes of the corporate AMT as applicable to certain fiscal-year taxpayers for their 2017 tax years	<i>Amendments relating to TCJA sec. 14101: Sec. 4(ee)(1)</i>
Stock Sales in Lower-tier CFCs	352	1671	For CFC taxable years beginning after 12/31/17, if an amount is treated as a dividend because of sale/exchange of stock in another foreign corporation, then (i) foreign source portion of dividend is treated as subpart F inclusion of selling CFC; (ii) a U.S. shareholder of selling CFC includes in gross income its pro rata share of that subpart F inclusion; and (iii) that pro rata share amount shall be treated as a dividend from a specified 10-percent owned foreign corporation for purposes of applying section 245A	<i>Amendments relating to TCJA sec. 14102: Sec. 4(ff)(1)</i>
Stock Sales in Lower-tier CFCs	353	1672	Tiered hybrid rules of section 245A(e)(2) apply to 964(e)(1) hybrid dividends, rather than the rules of section 964(e)(4)(A)	<i>Amendments relating to TCJA sec. 14102: Sec. 4(ff)(2)</i>
Deemed Repatriation	358	1687	For purposes of section 965(b)(4)(B), E&P of EDFCs taken into account by a U.S. shareholder are increased at the foreign corporation level by the amount of specified E&P deficit of such corporation that was used; such increase does	<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(1) (only with respect to clarifying that the increase to earnings and profits under section 965(b)(4)(B) does not occur for purposes of section 902)</i>

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			not apply when determining post-1986 undistributed earnings under section 902	
Deemed Repatriation	362	1693	Section 965(c) deduction is not treated as an itemized deduction for any purpose	<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(2)</i>
Deemed Repatriation	362	1695	No deduction or credit is allowed for taxes associated with earnings and profits that, by reason of section 965(b), are not included in income	<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(3)</i>
Deemed Repatriation	363	1698	Deductions taken into account (including NOL carryover) in the section 965(n) election year may not exceed gross income determined without regard to the transition inclusion and related section 78 gross-up	<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(9)</i>
Deemed Repatriation	363	1701	AMT and the BEAT are not considered in determining the portion of the tax liability eligible to be paid over eight installments	<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(5)</i>
Deemed Repatriation	366	1704	Correct cross-reference to bar a REIT and its investors from electing to pay in installments, if the REIT has made a timely section 965(m) election to defer its inclusion	<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(8)</i>
Deemed Repatriation	366	1705	Minimum six-year period of limitations for assessment or underpayment of transition tax also applies to returns filed by a U.S. shareholder that is a domestic partnership	<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(7)</i>
Deemed Repatriation	N/A	N/A		<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(4) (Clarifies the section 965(h) “net tax liability” is the excess of total net income tax for the year over the net income tax for the year determined without regard to the section 965 inclusion and without regard to any income, deductions or credits properly attributable to a dividend received by a U.S. shareholder from a DFIC)</i>

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Deemed Repatriation	N/A	N/A		<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(6) (Permits refunds and credits to taxpayers that elect to pay the section 965(h) transition tax liability in installments)</i>
Deemed Repatriation	N/A	N/A		<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(10) (Strikes an erroneous cross-reference to section 960(b) in section 965(n)(2))</i>
Deemed Repatriation	N/A	N/A		<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(11) (Special rules for treatment of extraordinary E&P of a fiscal year CFC during the gap period. Such extraordinary E&P from extraordinary dispositions during the gap period are treated as additional subpart F income of the foreign corporation for the year in which it reported its section 965 inclusion. The increased section 965 inclusion results in an additional income inclusion for U.S. shareholders that are domestic corporations. The U.S. shareholders may elect to defer assessment and payment of the net tax liability arising from such inclusion in income until the year in which a triggering event occurs.)</i>
GILTI	370	1712	Dual use property is treated as specified tangible property in the same proportion that the amount of gross tested income bears to the total amount of gross income produced with respect to the property	<i>Amendments relating to TCJA sec. 14201: Sec. 4(hh)(2)</i>
GILTI	371	1716	Only 80 percent of foreign income taxes paid or accrued with respect to distributions out of income that was previously taxed as GILTI are creditable under section 901, and the amount not creditable is not deductible under section 901	<i>Amendments relating to TCJA sec. 14201: Sec. 4(hh)(5)</i>

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GILTI	371	1718	Financial services income is not treated as passive category income for foreign tax credit limitation purposes	<i>Amendments relating to TCJA sec. 14301: Sec. 4(ll)(3)</i>
GILTI	371	1718	The carryback and carryover rules for foreign oil and gas taxes under section 907(f)(1) do not apply to taxes paid or accrued with respect to GILTI	<i>Amendments relating to TCJA sec. 14201: Sec. 4(hh)(1)</i>
GILTI	372	1719	For foreign tax credit limitation purposes, the section 78 gross-up amount attributable to a GILTI inclusion is assigned to the basket to which the related foreign taxes deemed paid were allocated	<i>Amendments relating to TCJA sec. 14301: Sec. 4(ll)(4)</i>
GILTI	N/A	N/A		<i>Amendments relating to TCJA sec. 14201: Sec. 4(hh)(3) (Moves the grant of regulatory authority under section 951A(d)(4) to new section 951A(g) to clarify that such authority is not limited to section 951A(d) and adds to that authority to make appropriate adjustments to stock basis and other ownership interests and to E&P to reflect tested losses)</i>
GILTI	N/A	N/A		<i>Amendments relating to TCJA sec. 14201: Sec. 4(hh)(4) (Clarifies that section 960(c) rules that allow taxpayers to increase their FTC limitation when making distributions out of PTEP apply to distributions out of E&P that were previously taxed as GILTI)</i>
GILTI	N/A	N/A		<i>Amendments relating to TCJA sec. 14201: Sec. 4(hh)(6) (Clarifies (1) that section 961(c) rules apply to determine the basis of stock and certain property and gain recognition for all purposes; and (2) that gain may be recognized by reason of sections 961(b) and (c) upon distribution of PTEP by a lower-tier CFC to an upper-tier CFC where the</i>

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				amount of the distribution exceeds the upper-tier CFC's basis in the stock of the lower-tier CFC)
FDII	379	1733	Income that would be foreign personal holding company income (as defined in section 954(c)) is not eligible for the FDII deduction	<i>Amendments relating to TCJA sec. 14202: Sec. 4(ii)(2)</i>
FDII	379	1734	Income included from qualified electing funds under section 1293 is not eligible for the FDII deduction	<i>Amendments relating to TCJA sec. 14202: Sec. 4(ii)(2)</i>
FDII	N/A	N/A		<i>Amendments relating to TCJA sec. 14202: Sec. 4(ii)(2)</i> (Any amount included in the gross income of a corporation with respect to any transaction if any amount could be excluded from the gross income of the corporation as a result of the benefit for extraterritorial income is excluded in determining deduction eligible income)
FDII	379	1739	Dual-use property is treated as specified tangible property in the same proportion that the amount of gross deduction eligible income produced bears to the total amount of gross income produced with respect to the property	<i>Amendments relating to TCJA sec. 14201: Sec. 4(hh)(2)</i>
FDII	380	1740	Income derived from the sale of property to a person that is not a U.S. person, but the Federal government facilitating the transaction purely as an intermediary (e.g., for certain foreign military sales) may be eligible for FDII	N/A
FDII	381	1751	If the sum of domestic corporation's FDII, GILTI, and GILTI-attributable section 78 gross-up amounts exceeds its taxable income determined without regard to section 250, then such sum for which a deduction is allowed is reduced (but not below zero) by an amount determined by such excess (adds section 78 gross-up)	<i>Amendments relating to TCJA sec. 14202: Sec. 4(ii)(1)</i>

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FDII	N/A	N/A		<i>Amendments relating to TCJA sec. 14202: Sec. 4(ii)(3) (Clarifies that taxable income limitation under 613A(d) (oil and gas depletion) is calculated without regard to the section 250 deduction)</i>
Stock Attribution for CFC	385	1761	The repeal of section 958(b)(4) was not meant to cause a foreign corporation to be treated as a controlled foreign corporation with respect to a U.S. shareholder as a result of attribution of ownership under section 318(a)(3) to a U.S. person that is [not] a related person (within the meaning of section 954(d)(3)) to such U.S. shareholder	<i>Amendments relating to TCJA sec. 14213: Sec. 4(jj)(1)-(2)</i>
Definition of U.S. Shareholder	386	1764	Section 1248(a)(2) requires ownership of at least 10 percent of the value or voting stock of the CFC during periods in which the expanded definition of U.S. shareholder under section 951(b) applies	<i>Amendments relating to TCJA sec. 14214: Sec. 4(kk)(1)-(3)</i>
Modification of FTCs	393	1782	Credit allowed for 80 percent of the foreign income taxes imposed with respect to previously taxed E&P attributable to GILTI and no credit is allowed for taxes with respect to distributions of previously taxed amounts described in section 965(b)(4)(A)	<i>Amendments relating to TCJA sec. 14201: Sec. 4(hh)(5) (only regarding the 80 percent credit for foreign income taxes imposed with respect to distributions of GILTI PTEP; no technical denying credit for taxes with respect to distributions of section 965(b)(4)(A) PTEP. But see JCT explanation of Tax Technical and Clerical Corrections Act (explaining Brady technical amendments to sec. 14103 as denying credit for taxes with respect to distributions of section 965(b)(4)(A) PTEP))</i>
Modification of FTCs	393	1783	No credit is allowed for the portion of taxes that are not attributable to actual distributions of PTEP (e.g., taxes related to section 965(b) deficit offset earnings, portion of taxes not allowed as a deemed paid credit for taxes properly attributable to tested income by reason	<i>Amendments relating to TCJA sec. 14103: Sec. 4(gg)(3) (only regarding the taxes related to section 965(b) deficit offset earnings)</i>

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			of section 960(d) inclusion percentage or 80 percent haircut)	
Modification of FTCs	394	1784	Fiscal-year taxpayers are not eligible to claim the section 245A DRD for section 78 gross-ups made in tax years beginning before December 31, 2017	<i>Amendments relating to TCJA sec. 14301: Sec. 4(l)(2)</i>
Modification of FTCs	394	1784	Allow PTI from lower-tier CFCs that give rise to deemed paid credits under section 960(b) to be distributed without additional U.S. tax	<i>Amendments relating to TCJA sec. 14301: Sec. 4(l)(1)</i>
Modification of FTCs	394	1784	The section 78 gross-up amount attributable to a GILTI inclusion should be assigned to the basket to which the taxes relate for foreign tax credit limitation purposes	<i>Amendments relating to TCJA sec. 14301: Sec. 4(l)(4)</i>
Modification of FTCs	394	1786	The section 78 gross-up amount attributable to a GILTI inclusion is considered GILTI for foreign tax credit limitation purposes	<i>Amendments relating to TCJA sec. 14301: Sec. 4(l)(4)</i>
Modification of FTCs	395	1793	Financial services income attributable to a QBU shall not be treated as passive category income	<i>Amendments relating to TCJA sec. 14301: Sec. 4(l)(3)</i>
Modification of FTCs	N/A	N/A		<i>Amendments relating to TCJA sec. 14301: Sec. 4(l)(5) (Amends section 953 to allow a corresponding section 960 deemed-paid credit in cases where the definition of CFC has been expanded)</i>
Modification of FTCs	N/A	N/A		<i>Amendments relating to TCJA sec. 14301: Sec. 4(l)(6) (Removes the parenthetical “other than section 960” in section 958(a)(1) to clarify that section 958(a) applies for purposes of section 960 when applying the new expanded U.S. shareholder definition under section 951(b))</i>

Clerical corrections for the TCJA included in the JCT General Explanation

Rep. Kevin Brady’s *Tax Technical and Clerical Corrections Act Discussion Draft* includes dozens of clerical amendments, which can be found in Sec. 4(mm) of the Discussion Draft.

Topic	Page of JCT Bluebook	Footnote in JCT Bluebook	Description of technical correction in JCT General Explanation
199A Qualified Business Income Deduction	22	111	Correct statutory references relating to only treating items effectively connected with the conduct of a trade or business to the U.S. as qualified items
ADS for Electing Farming Businesses	142	666	Correct references regarding an electing farming business
S Corporation Conversion to C Corporation	255	1217	Clarify that the phrase “date of enactment of the Tax Cuts and Jobs Act” referenced in section 481(d) means the date of enactment of Pub. L. No. 115-97
Excise Tax on Investment Income	290	1357	Fix cross reference to the asset-per-student threshold
FDII	381	1749	Fix a cross-reference in section 250(b)(5)(C)(ii) related to services provided to a related party located outside the U.S.
Modification of FTCs	395	1789	Reflect intent to add two new foreign tax credit limitation categories (GILTI and foreign branch income) to section 904(d)(1) (e.g., fix cross-reference for base differences to refer to general basket, not branch basket)
BEAT	401	1812	Reflect intent that payments are not treated as qualified derivative payments unless the taxpayer includes certain information to identify such payments as part of the reporting requirements under section 6038A(b)(2) (section

			59A(h)(2)(b) cites instead to section 6038B(b)(2))
BEAT	404	1830	Reflect intent that reference in section 59A to a “registered securities dealer” under section 15(a) of the Securities Exchange Act of 1934 is to a securities dealer registered under that act
BEAT	405	1835	Reflect intent that section 59A(i)’s grant of regulatory authority extends to prescribing regulations or other guidance necessary or appropriate for purposes of applying the exception for qualified derivative payments, including rules preventing avoidance