

(A) with respect to any infringement of a patent, the period in which such infringement occurred,

(B) with respect to a breach of contract or breach of fiduciary duty or relationship, the period during which amounts would have been received or accrued but for the breach of contract or breach of fiduciary duty or relationship, and

(C) with respect to injuries sustained by reason of any conduct forbidden in the anti-trust laws, the period in which such injuries were sustained.

**(3) Net operating losses attributable to compensable injuries**

For purposes of paragraph (1)—

(A) a net operating loss for any taxable year shall be treated as attributable to a compensable injury to the extent of the compensable injury sustained during such taxable year, and

(B) if only a portion of a net operating loss for any taxable year is attributable to a compensable injury, such portion shall (in applying section 172 for purposes of this section) be considered to be a separate net operating loss for such year to be applied after the other portion of such net operating loss.

**(e) Effect on net operating loss carryovers**

If for the taxable year in which a compensatory amount is received or accrued any portion of a net operating loss carryover to such year is attributable to the compensable injury for which such amount is received or accrued, such portion of such net operating loss carryover shall be reduced by an amount equal to—

(1) the deduction allowed under subsection (a) with respect to such compensatory amount, reduced by

(2) any portion of the unrecovered losses sustained as a result of the compensable injury with respect to which the period for carryover under section 172 has expired.

(Added Pub. L. 91-172, title IX, §904(a), Dec. 30, 1969, 83 Stat. 711.)

**Editorial Notes**

**REFERENCES IN TEXT**

Section 4 of the Clayton Act, referred to in subsec. (b)(3), is classified to section 15 of Title 15.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Pub. L. 91-172, title IX, §904(c), Dec. 30, 1969, 83 Stat. 712, provided that: "The amendments made by this section [enacting this section] shall apply to taxable years beginning after December 31, 1968."

**[§ 187. Repealed. Pub. L. 94-455, title XIX, § 1901(a)(31), Oct. 4, 1976, 90 Stat. 1769]**

Section, added Pub. L. 91-172, title VII, §707(a), Dec. 30, 1969, 83 Stat. 674; amended Pub. L. 93-625, §3(d), Jan. 3, 1975, 88 Stat. 2109, provided for an allowance of an amortization deduction for certain coal mine safety equipment, the method of election and termination of such deduction, the definition of term "certified coal mine safety equipment", and special rules applicable to the amortization deduction.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF REPEAL**

Repeal effective for taxable years beginning after Dec. 31, 1976, see section 1901(d) of Pub. L. 94-455, set out as an Effective Date of 1976 Amendment note under section 2 of this title.

**[§ 188. Repealed. Pub. L. 101-508, title XI, § 11801(a)(13), Nov. 5, 1990, 104 Stat. 1388-520]**

Section, added Pub. L. 92-178, title III, §303(a), Dec. 10, 1971, 85 Stat. 521; amended Pub. L. 94-455, title XIX, §1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834; Pub. L. 95-30, title IV, §402(a)(1)-(3), May 23, 1977, 91 Stat. 155, related to amortization of certain expenditures for child care facilities.

**Statutory Notes and Related Subsidiaries**

**SAVINGS PROVISION**

For provisions that nothing in repeal by Pub. L. 101-508 be construed to affect treatment of certain transactions occurring, property acquired, or items of income, loss, deduction, or credit taken into account prior to Nov. 5, 1990, for purposes of determining liability for tax for periods ending after Nov. 5, 1990, see section 11821(b) of Pub. L. 101-508, set out as a note under section 45K of this title.

**[§ 189. Repealed. Pub. L. 99-514, title VIII, § 803(b)(1), Oct. 22, 1986, 100 Stat. 2355]**

Section, added Pub. L. 94-455, title II, §201(a), Oct. 4, 1976, 90 Stat. 1525; amended Pub. L. 95-600, title VII, §701(m)(1), Nov. 6, 1978, 92 Stat. 2907; Pub. L. 97-34, title II, §262(a), (b), Aug. 13, 1981, 95 Stat. 264; Pub. L. 97-248, title II, §207(a)-(d), Sept. 3, 1982, 96 Stat. 431, 432; Pub. L. 97-354, §5(a)(24), Oct. 19, 1982, 96 Stat. 1694; Pub. L. 98-369, div. A, title I, §93(a), title VII, §712(c), July 18, 1984, 98 Stat. 614, 947, related to amortization of real property construction period interest and taxes.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF REPEAL**

If any interest costs incurred after Dec. 31, 1986, are attributable to costs incurred before Jan. 1, 1987, the repeal of this section is applicable to such interest costs only to the extent such interest costs are attributable to costs which were required to be capitalized under section 263 of the Internal Revenue Code of 1954 and which would have been taken into account in applying this section (as in effect before its repeal) or, if applicable, section 266 of such Code, see section 7831(d)(2) of Pub. L. 101-239, set out as an Effective Date note under section 263A of this title.

Repeal applicable to costs incurred after Dec. 31, 1986, in taxable years ending after such date, except as otherwise provided, see section 803(d) of Pub. L. 99-514, set out as an Effective Date note under section 263A of this title.

**§ 190. Expenditures to remove architectural and transportation barriers to the handicapped and elderly**

**(a) Treatment as expenses**

**(1) In general**

A taxpayer may elect to treat qualified architectural and transportation barrier removal expenses which are paid or incurred by him during the taxable year as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.