

106TH CONGRESS
2D SESSION

S. 3152

To amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000

Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. CONRAD, Mr. MACK, Mr. GRAHAM, Mr. THOMPSON, Mr. KERREY, Mr. ROBB, and Mr. BRYAN) introduced the following bill; which was read the first time

A BILL

To amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; ETC.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Community Renewal and New Markets Act of 2000”.

6 (b) AMENDMENT OF 1986 CODE.—Except as other-
7 wise expressly provided, whenever in this Act an amend-
8 ment or repeal is expressed in terms of an amendment
9 to, or repeal of, a section or other provision, the reference

1 shall be considered to be made to a section or other provi-
 2 sion of the Internal Revenue Code of 1986.

3 (c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

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Sec. 101. Designation and treatment of renewal zones.

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Sec. 113. Increased expensing under section 179.

Sec. 114. Higher limits on tax-exempt empowerment zone facility bonds.

Sec. 115. Empowerment zone capital gain.

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Subtitle C—Modification of Tax Incentives for DC Zone

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Sec. 124. Expansion of DC homebuyer tax credit.

Subtitle D—New Markets Tax Credit

Sec. 131. New markets tax credit.

Subtitle E—Modification of Tax Incentives for Puerto Rico

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Subtitle F—Individual Development Accounts

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 a tax credit for qualified financial institutions.

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TITLE II—TAX INCENTIVES FOR AFFORDABLE HOUSING

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- Sec. 201. Modification of State ceiling on low-income housing credit.
- Sec. 202. Modification to rules relating to basis of building which is eligible for credit.

Subtitle B—Historic Homes

- Sec. 211. Tax credit for renovating historic homes.

Subtitle C—Forgiven Mortgage Obligations

- Sec. 221. Exclusion from gross income for certain forgiven mortgage obligations.

Subtitle D—Mortgage Revenue Bonds

- Sec. 231. Increase in purchase price limitation under mortgage subsidy bond rules based on median family income.
- Sec. 232. Mortgage financing for residences located in presidentially declared disaster areas.

Subtitle E—Property and Casualty Insurance

- Sec. 241. Exemption from income tax for State-created organizations providing property and casualty insurance for property for which such coverage is otherwise unavailable.

TITLE III—TAX INCENTIVES FOR URBAN AND RURAL INFRASTRUCTURE

- Sec. 301. Increase in State ceiling on private activity bonds.
- Sec. 302. Modifications to expensing of environmental remediation costs.
- Sec. 303. Broadband internet access tax credit.
- Sec. 304. Credit to holders of qualified Amtrak bonds.
- Sec. 305. Clarification of contribution in aid of construction.
- Sec. 306. Recovery period for depreciation of certain leasehold improvements.

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- Sec. 401. Farm, fishing, and ranch risk management accounts.
- Sec. 402. Written agreement relating to exclusion of certain farm rental income from net earnings from self-employment.

- Sec. 403. Treatment of conservation reserve program payments as rentals from real estate.
- Sec. 404. Exemption of agricultural bonds from State volume cap.
- Sec. 405. Modifications to section 512(b)(13).
- Sec. 406. Charitable deduction for contributions of food inventory.
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TITLE V—TAX INCENTIVES FOR THE PRODUCTION OF ENERGY

- Sec. 501. Election to expense geological and geophysical expenditures.
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TITLE VI—TAX INCENTIVES FOR CONSERVATION

- Sec. 601. Exclusion of 50 percent of gain on sales of land or interests in land or water to eligible entities for conservation purposes.
- Sec. 602. Expansion of estate tax exclusion for real property subject to qualified conservation easement.
- Sec. 603. Tax exclusion for cost-sharing payments under partners for wildlife program.
- Sec. 604. Incentive for certain energy efficient property used in business.
- Sec. 605. Extension and modification of tax credit for electricity produced from biomass.
- Sec. 606. Tax credit for certain energy efficient motor vehicles.

TITLE VII—ADDITIONAL TAX PROVISIONS

- Sec. 701. Limitation on use of nonaccrual experience method of accounting.
- Sec. 702. Repeal of section 530(d) of the Revenue Act of 1978.
- Sec. 703. Expansion of exemption from personal holding company tax for lending or finance companies.
- Sec. 704. Charitable contribution deduction for certain expenses incurred in support of Native Alaskan subsistence whaling.
- Sec. 705. Imposition of excise tax on persons who acquire structured settlement payments in factoring transactions.

1 **TITLE I—INCENTIVES FOR**
 2 **DISTRESSED COMMUNITIES**
 3 **Subtitle A—Designation and**
 4 **Treatment of Renewal Zones**

5 **SEC. 101. DESIGNATION AND TREATMENT OF RENEWAL**
 6 **ZONES.**

7 (a) IN GENERAL.—Chapter 1 is amended by adding
 8 at the end the following new subchapter:

9 **“Subchapter X—Designation and Treatment**
 10 **of Renewal Zones**

 “Sec. 1400E. Designation and treatment of renewal zones.

11 **“SEC. 1400E. DESIGNATION AND TREATMENT OF RENEWAL**
 12 **ZONES.**

13 “(a) TREATMENT OF DESIGNATION.—For purposes
 14 of this title, any area designated as a renewal zone under
 15 this section shall be treated as an empowerment zone.

16 “(b) DESIGNATION.—

17 “(1) RENEWAL ZONE DEFINED.—For purposes
 18 of this title, the term ‘renewal zone’ means any
 19 area—

20 “(A) which is nominated by one or more
 21 local governments and the State or States in
 22 which it is located for designation as a renewal
 23 zone (hereafter in this section referred to as a
 24 ‘nominated area’), and

1 “(B) which the appropriate Secretary des-
2 ignates as a renewal zone.

3 “(2) NUMBER OF DESIGNATIONS.—

4 “(A) IN GENERAL.—The appropriate Sec-
5 retaries may designate not more than 30 nomi-
6 nated areas as renewal zones.

7 “(B) MINIMUM DESIGNATION IN RURAL
8 AREAS.—Of the areas designated under sub-
9 paragraph (A), at least 6 must be areas—

10 “(i) which are within a local govern-
11 ment jurisdiction or jurisdictions with a
12 population of less than 50,000, or

13 “(ii) which satisfy the requirements of
14 section 1393(a)(2).

15 “(3) AREAS DESIGNATED BASED ON DEGREE
16 OF POVERTY, ETC.—

17 “(A) IN GENERAL.—Except as otherwise
18 provided in this section, the nominated areas
19 designated as renewal zones under this sub-
20 section shall be those nominated areas with the
21 highest average ranking with respect to the cri-
22 teria described in subparagraphs (B), (C), and
23 (D) of subsection (d)(3). For purposes of the
24 preceding sentence, an area shall be ranked
25 within each such criterion on the basis of the

1 amount by which the area exceeds such cri-
2 terion, with the area which exceeds such cri-
3 terion by the greatest amount given the highest
4 ranking.

5 “(B) EXCEPTION WHERE INADEQUATE
6 COURSE OF ACTION, ETC.—An area shall not be
7 designated under subparagraph (A) if the ap-
8 propriate Secretary determines that the course
9 of action described in subsection (e)(2) with re-
10 spect to such area is inadequate.

11 “(C) PRIORITY FOR 1 NOMINATED AREA IN
12 EACH STATE.—For purposes of this subchapter,
13 1 nominated area within each State without any
14 area designated as an empowerment zone under
15 section 1391 or 1400 shall be treated for pur-
16 poses of this paragraph as having the highest
17 average with respect to the criteria described in
18 subparagraphs (B), (C), and (D) of subsection
19 (d)(3).

20 “(4) LIMITATION ON DESIGNATIONS.—

21 “(A) PUBLICATION OF REGULATIONS.—
22 The Secretary of Housing and Urban Develop-
23 ment shall prescribe by regulation not later
24 than 4 months after the date of the enactment

1 of this section, after consultation with the Sec-
2 retary of Agriculture—

3 “(i) the procedures for nominating an
4 area under paragraph (1)(A),

5 “(ii) the parameters relating to the
6 size and population characteristics of a re-
7 newal zone, and

8 “(iii) the manner in which nominated
9 areas will be evaluated based on the cri-
10 teria specified in subsection (e).

11 “(B) TIME LIMITATIONS.—The appro-
12 priate Secretaries may designate nominated
13 areas as renewal zones only during the period
14 beginning on the first day of the first month
15 following the month in which the regulations
16 described in subparagraph (A) are prescribed
17 and ending on December 31, 2001.

18 “(C) PROCEDURAL RULES.—The appro-
19 priate Secretary shall not make any designation
20 of a nominated area as a renewal zone under
21 paragraph (2) unless—

22 “(i) the local governments and the
23 States in which the nominated area is lo-
24 cated have the authority—

1 “(I) to nominate such area for
2 designation as a renewal zone,

3 “(II) to make the State and local
4 commitments described in subsection
5 (e), and

6 “(III) to provide assurances sat-
7 isfactory to the appropriate Secretary
8 that such commitments will be ful-
9 filled,

10 “(ii) a nomination regarding such
11 area is submitted in such a manner and in
12 such form, and contains such information,
13 as the appropriate Secretary shall by regu-
14 lation prescribe, and

15 “(iii) the appropriate Secretary deter-
16 mines that any information furnished is
17 reasonably accurate.

18 “(5) NOMINATION PROCESS FOR INDIAN RES-
19 ERVATIONS.—For purposes of this subchapter, in
20 the case of a nominated area on an Indian reserva-
21 tion, the reservation governing body (as determined
22 by the Secretary of the Interior) shall be treated as
23 being both the State and local governments with re-
24 spect to such area.

1 “(c) PERIOD FOR WHICH DESIGNATION IS IN EF-
2 FECT.—

3 “(1) IN GENERAL.—Any designation of an area
4 as a renewal zone shall remain in effect during the
5 period beginning on January 1, 2002, and ending on
6 the earliest of—

7 “(A) December 31, 2009,

8 “(B) the termination date designated by
9 the State and local governments in their nomi-
10 nation, or

11 “(C) the date the appropriate Secretary re-
12 vokes such designation.

13 “(2) REVOCATION OF DESIGNATION.—The ap-
14 propriate Secretary may revoke the designation
15 under this section of an area if such Secretary deter-
16 mines that the local government or the State in
17 which the area is located—

18 “(A) has modified the boundaries of the
19 area, or

20 “(B) is not complying substantially with,
21 or fails to make progress in achieving, the State
22 or local commitments, respectively, described in
23 subsection (e).

24 “(d) AREA AND ELIGIBILITY REQUIREMENTS.—

1 “(1) IN GENERAL.—The appropriate Secretary
2 may designate a nominated area as a renewal zone
3 under subsection (b) only if the area meets the re-
4 quirements of paragraphs (2) and (3) of this sub-
5 section.

6 “(2) AREA REQUIREMENTS.—A nominated area
7 meets the requirements of this paragraph if—

8 “(A) the area is within the jurisdiction of
9 one or more local governments,

10 “(B) the boundary of the area is contin-
11 uous, and

12 “(C) the area—

13 “(i) has a population of not more than
14 200,000 and at least—

15 “(I) 4,000 if any portion of such
16 area (other than a rural area de-
17 scribed in subsection (b)(2)(B)(i)) is
18 located within a metropolitan statis-
19 tical area (within the meaning of sec-
20 tion 143(k)(2)(B)) which has a popu-
21 lation of 50,000 or greater, or

22 “(II) 1,000 in any other case, or

23 “(ii) is entirely within an Indian res-
24 ervation (as determined by the Secretary of
25 the Interior).

1 “(3) ELIGIBILITY REQUIREMENTS.—A nomi-
2 nated area meets the requirements of this paragraph
3 if the State and the local governments in which it
4 is located certify in writing (and the appropriate
5 Secretary, after such review of supporting data as
6 such Secretary deems appropriate, accepts such cer-
7 tification) that—

8 “(A) the area is one of pervasive poverty,
9 unemployment, and general distress,

10 “(B) the unemployment rate in the area,
11 as determined by the most recent available
12 data, was at least 1½ times the national unem-
13 ployment rate for the period to which such data
14 relate,

15 “(C) the poverty rate for each population
16 census tract within the nominated area is at
17 least 20 percent, and

18 “(D) in the case of an urban area, at least
19 70 percent of the households living in the area
20 have incomes below 80 percent of the median
21 income of households within the jurisdiction of
22 the local government (determined in the same
23 manner as under section 119(b)(2) of the
24 Housing and Community Development Act of
25 1974).

1 “(4) CONSIDERATION OF OTHER FACTORS.—

2 The appropriate Secretary, in selecting any nomi-
3 nated area for designation as a renewal zone under
4 this section—

5 “(A) shall take into account—

6 “(i) the extent to which such area has
7 a high incidence of crime,

8 “(ii) if such area has census tracts
9 identified in the May 12, 1998, report of
10 the General Accounting Office regarding
11 the identification of economically distressed
12 areas, or

13 “(iii) if such area (or portion thereof)
14 has previously been designated as an enter-
15 prise community under section 1391, and

16 “(B) with respect to 1 of the areas to be
17 designated under subsection (b)(2)(B), may, in
18 lieu of any criteria described in paragraph (3),
19 take into account the existence of outmigration
20 from the area.

21 “(e) REQUIRED STATE AND LOCAL COMMIT-
22 MENTS.—

23 “(1) IN GENERAL.—The appropriate Secretary
24 may designate any nominated area as a renewal
25 zone under subsection (b) only if the local govern-

1 ment and the State in which the area is located
2 agree in writing that, during any period during
3 which the area is a renewal zone, such governments
4 will follow a specified course of action which meets
5 the requirements of paragraph (2) and is designed
6 to reduce the various burdens borne by employers or
7 employees in such area.

8 “(2) COURSE OF ACTION.—

9 “(A) IN GENERAL.—A course of action
10 meets the requirements of this paragraph if
11 such course of action is a written document,
12 signed by a State (or local government) and
13 neighborhood organizations, which evidences a
14 partnership between such State or government
15 and community-based organizations and which
16 commits each signatory to specific and measur-
17 able goals, actions, and timetables. Such course
18 of action shall include at least 4 of the fol-
19 lowing:

20 “(i) A reduction of tax rates or fees
21 applying within the renewal zone.

22 “(ii) An increase in the level of effi-
23 ciency of local services within the renewal
24 zone.

1 “(iii) Crime reduction strategies, such
2 as crime prevention (including the provi-
3 sion of crime prevention services by non-
4 governmental entities).

5 “(iv) Actions to reduce, remove, sim-
6 plify, or streamline governmental require-
7 ments applying within the renewal zone.

8 “(v) Involvement in the program by
9 private entities, organizations, neighbor-
10 hood organizations, and community
11 groups, particularly those in the renewal
12 zone, including a commitment from such
13 private entities to provide jobs and job
14 training for, and technical, financial, or
15 other assistance to, employers, employees,
16 and residents from the renewal zone.

17 “(vi) The gift (or sale at below fair
18 market value) of surplus real property
19 (such as land, homes, and commercial or
20 industrial structures) in the renewal zone
21 to neighborhood organizations, community
22 development corporations, or private com-
23 panies.

24 “(B) RECOGNITION OF PAST EFFORTS.—

25 For purposes of this section, in evaluating the

1 course of action agreed to by any State or local
2 government, the appropriate Secretary shall
3 take into account the past efforts of such State
4 or local government in reducing the various
5 burdens borne by employers and employees in
6 the area involved.

7 “(f) COORDINATION WITH TREATMENT OF ENTER-
8 PRISE COMMUNITIES.—For purposes of this title, the des-
9 ignation under section 1391 of any area as an enterprise
10 community shall cease to be in effect as of the date that
11 the designation of any portion of such area as a renewal
12 zone takes effect.

13 “(g) DEFINITIONS AND SPECIAL RULES.—For pur-
14 poses of this subchapter—

15 “(1) APPROPRIATE SECRETARY.—The term ‘ap-
16 propriate Secretary’ has the meaning given such
17 term by section 1393(a)(1).

18 “(2) GOVERNMENTS.—If more than one govern-
19 ment seeks to nominate an area as a renewal zone,
20 any reference to, or requirement of, this section shall
21 apply to all such governments.

22 “(3) LOCAL GOVERNMENT.—The term ‘local
23 government’ means—

1 “(A) any county, city, town, township, par-
2 ish, village, or other general purpose political
3 subdivision of a State, and

4 “(B) any combination of political subdivi-
5 sions described in subparagraph (A) recognized
6 by the appropriate Secretary.

7 “(4) APPLICATION OF RULES RELATING TO
8 CENSUS TRACTS.—The rules of section 1392(b)(4)
9 shall apply.

10 “(5) CENSUS DATA.—Population and poverty
11 rate shall be determined by using 1990 census
12 data.”.

13 (b) AUDIT AND REPORT.—Not later than January 31
14 of 2004, 2007, and 2010, the Comptroller General of the
15 United States shall, pursuant to an audit of the renewal
16 zone program established under section 1400E of the In-
17 ternal Revenue Code of 1986 (as added by subsection (a)),
18 report to Congress on such program and its effect on pov-
19 erty, unemployment, and economic growth within the des-
20 ignated renewal zones.

21 (c) CLERICAL AMENDMENT.—The table of sub-
22 chapters for chapter 1 is amended by adding at the end
23 the following new item:

“Subchapter X. Designation and Treatment of Renewal Zones.”.

1 **Subtitle B—Modification of**
 2 **Incentives for Empowerment Zones**

3 **SEC. 111. EXTENSION OF EMPOWERMENT ZONE TREAT-**
 4 **MENT THROUGH 2009.**

5 Subparagraph (A) of section 1391(d)(1) (relating to
 6 period for which designation is in effect) is amended to
 7 read as follows:

8 “(A)(i) in the case of an empowerment
 9 zone, December 31, 2009, or

10 “(ii) in the case of an enterprise commu-
 11 nity, the close of the 10th calendar year begin-
 12 ning on or after such date of designation,”.

13 **SEC. 112. 15 PERCENT EMPLOYMENT CREDIT FOR ALL EM-**
 14 **POWERMENT ZONES**

15 (a) 15 PERCENT CREDIT.—Subsection (b) of section
 16 1396 (relating to empowerment zone employment credit)
 17 is amended—

18 (1) by striking paragraph (1) and inserting the
 19 following new paragraph:

20 “(1) IN GENERAL.—Except as provided in para-
 21 graph (2), the applicable percentage is 15 percent.”,

22 (2) by inserting “and thereafter” after “2005”
 23 in the table contained in paragraph (2), and

24 (3) by striking the items relating to calendar
 25 years 2006 and 2007 in such table.

1 (b) ALL EMPOWERMENT ZONES ELIGIBLE FOR
2 CREDIT.—Section 1396 is amended by striking subsection
3 (e).

4 (c) CONFORMING AMENDMENT.—Subsection (d) of
5 section 1400 is amended to read as follows:

6 “(d) SPECIAL RULE FOR APPLICATION OF EMPLOY-
7 MENT CREDIT.—With respect to the DC Zone, section
8 1396(d)(1)(B) (relating to empowerment zone employ-
9 ment credit) shall be applied by substituting ‘the District
10 of Columbia’ for ‘such empowerment zone.’”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to wages paid or incurred after
13 December 31, 2001.

14 **SEC. 113. INCREASED EXPENSING UNDER SECTION 179.**

15 (a) IN GENERAL.—Subparagraph (A) of section
16 1397A(a)(1) is amended by striking “\$20,000” and in-
17 serting “\$35,000”.

18 (b) EXPENSING FOR PROPERTY USED IN DEVELOP-
19 ABLE SITES.—Section 1397A is amended by striking sub-
20 section (c).

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to taxable years beginning after
23 December 31, 2001.

1 **SEC. 114. HIGHER LIMITS ON TAX-EXEMPT EMPOWERMENT**

2 **ZONE FACILITY BONDS.**

3 (a) IN GENERAL.—Paragraph (3) of section 1394(f)
4 (relating to bonds for empowerment zones designated
5 under section 1391(g)) is amended to read as follows:

6 “(3) EMPOWERMENT ZONE FACILITY BOND.—

7 For purposes of this subsection, the term ‘empower-
8 ment zone facility bond’ means any bond which
9 would be described in subsection (a) if—

10 “(A) in the case of obligations issued be-
11 fore January 1, 2002, only empowerment zones
12 designated under section 1391(g) were taken
13 into account under sections 1397C and 1397D,
14 and

15 “(B) in the case of obligations issued after
16 December 31, 2001, all empowerment zones
17 (other than the District of Columbia) were
18 taken into account under sections 1397C and
19 1397D.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to obligations issued after Decem-
22 ber 31, 2001.

23 **SEC. 115. EMPOWERMENT ZONE CAPITAL GAIN.**

24 (a) IN GENERAL.—Part III of subchapter U of chap-
25 ter 1 is amended—

26 (1) by redesignating subpart C as subpart D;

1 (2) by redesignating sections 1397B and 1397C
2 as sections 1397C and 1397D, respectively; and

3 (3) by inserting after subpart B the following
4 new subpart:

5 **“Subpart C—Empowerment Zone Capital Gain**

 “Sec. 1397B. Empowerment zone capital gain.

6 **“SEC. 1397B. EMPOWERMENT ZONE CAPITAL GAIN.**

7 “(a) GENERAL RULE.—Gross income shall not in-
8 clude qualified capital gain from the sale or exchange of
9 any qualified empowerment zone asset held for more than
10 5 years.

11 “(b) PER TAXPAYER LIMITATION.—

12 “(1) IN GENERAL.—The amount of eligible gain
13 which may be taken into account under subsection
14 (a) for the taxable year with respect to any taxpayer
15 shall not exceed \$25,000,000, reduced by the aggre-
16 gate amount of eligible gain taken into account
17 under subsection (a) for prior taxable years with re-
18 spect to such taxpayer.

19 “(2) ELIGIBLE GAIN.—For purposes of this
20 subsection, ‘eligible gain’ means any gain from the
21 sale or exchange of a qualified empowerment zone
22 asset held for more than 5 years.

23 “(3) TREATMENT OF MARRIED INDIVIDUALS.—

1 “(A) SEPARATE RETURNS.—In the case of
2 a separate return by a married individual, para-
3 graph (1) shall be applied by substituting
4 ‘\$12,500,000’ for ‘\$25,000,000’.

5 “(B) ALLOCATION OF EXCLUSION.—In the
6 case of a joint return, the amount of gain taken
7 into account under subsection (a) shall be allo-
8 cated equally between the spouses for purposes
9 of applying this subsection to subsequent tax-
10 able years.

11 “(C) MARITAL STATUS.—For purposes of
12 this subsection, marital status shall be deter-
13 mined under section 7703.

14 “(4) TREATMENT OF CORPORATE TAX-
15 PAYERS.—For purposes of this subsection—

16 “(A) all corporations which are members
17 of the same controlled group of corporations
18 (within the meaning of section 52(a)) shall be
19 treated as 1 taxpayer, and

20 “(B) any gain excluded under subsection
21 (a) by a predecessor of any C corporation shall
22 be treated as having been excluded by such C
23 corporation.

24 “(c) QUALIFIED EMPOWERMENT ZONE ASSET.—For
25 purposes of this section—

1 “(1) IN GENERAL.—The term ‘qualified em-
2 powerment zone asset’ means—

3 “(A) any qualified empowerment zone
4 stock,

5 “(B) any qualified empowerment zone
6 partnership interest, and

7 “(C) any qualified empowerment zone busi-
8 ness property.

9 “(2) QUALIFIED EMPOWERMENT ZONE
10 STOCK.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), the term ‘qualified empower-
13 ment zone stock’ means any stock in a domestic
14 corporation if—

15 “(i) such stock is acquired by the tax-
16 payer after the date of the enactment of
17 this section (December 31, 2001, in the
18 case of a renewal zone) and before Janu-
19 ary 1, 2010, at its original issue (directly
20 or through an underwriter) from the cor-
21 poration solely in exchange for cash,

22 “(ii) as of the time such stock was
23 issued, such corporation was an enterprise
24 zone business (or, in the case of a new cor-
25 poration, such corporation was being orga-

1 nized for purposes of being an enterprise
2 zone business), and

3 “(iii) during substantially all of the
4 taxpayer’s holding period for such stock,
5 such corporation qualified as an enterprise
6 zone business.

7 “(B) REDEMPTIONS.—A rule similar to
8 the rule of section 1202(c)(3) shall apply for
9 purposes of this paragraph.

10 “(3) QUALIFIED EMPOWERMENT ZONE PART-
11 NERSHIP INTEREST.—The term ‘qualified empower-
12 ment zone partnership interest’ means any capital or
13 profits interest in a domestic partnership if—

14 “(A) such interest is acquired by the tax-
15 payer after the date of the enactment of this
16 section (December 31, 2001, in the case of a
17 renewal zone) and before January 1, 2010,
18 from the partnership solely in exchange for
19 cash,

20 “(B) as of the time such interest was ac-
21 quired, such partnership was an enterprise zone
22 business (or, in the case of a new partnership,
23 such partnership was being organized for pur-
24 poses of being an enterprise zone business), and

1 “(C) during substantially all of the tax-
2 payer’s holding period for such interest, such
3 partnership qualified as an enterprise zone
4 business.

5 A rule similar to the rule of section 1202(c)(3) shall
6 apply for purposes of this paragraph.

7 “(4) QUALIFIED EMPOWERMENT ZONE BUSI-
8 NESS PROPERTY.—

9 “(A) IN GENERAL.—The term ‘qualified
10 empowerment zone business property’ means
11 tangible property if—

12 “(i) such property was acquired by
13 the taxpayer by purchase (as defined in
14 section 179(d)(2)) after the date of the en-
15 actment of this section (December 31,
16 2001, in the case of a renewal zone) and
17 before January 1, 2010,

18 “(ii) the original use of such property
19 in the empowerment zone commences with
20 the taxpayer, and

21 “(iii) during substantially all of the
22 taxpayer’s holding period for such prop-
23 erty, substantially all of the use of such
24 property was in an enterprise zone busi-
25 ness of the taxpayer.

1 “(B) SPECIAL RULE FOR SUBSTANTIAL IM-
2 PROVEMENTS.—The requirements of clauses (i)
3 and (ii) of subparagraph (A) shall be treated as
4 satisfied with respect to—

5 “(i) property which is substantially
6 improved by the taxpayer before January
7 1, 2010, and

8 “(ii) any land on which such property
9 is located.

10 The determination of whether a property is sub-
11 stantially improved shall be made under clause
12 (ii) of section 1400B(b)(4)(B), except that ‘the
13 date of the enactment of this section’ shall be
14 substituted for ‘December 31, 1997’ in such
15 clause.

16 “(c) QUALIFIED CAPITAL GAIN.—For purposes of
17 this section—

18 “(1) IN GENERAL.—Except as otherwise pro-
19 vided in this subsection, the term ‘qualified capital
20 gain’ means any gain recognized on the sale or ex-
21 change of—

22 “(A) a capital asset, or

23 “(B) property used in the trade or busi-
24 ness (as defined in section 1231(b)).

1 “(2) GAIN BEFORE EFFECTIVE DATE OR AFTER
2 2014 NOT QUALIFIED.—The term ‘qualified capital
3 gain’ shall not include any gain attributable to peri-
4 ods before the date of the enactment of this section
5 (January 1, 2002, in the case of a renewal zone) or
6 after December 31, 2014.

7 “(3) CERTAIN RULES TO APPLY.—Rules similar
8 to the rules of paragraphs (3), (4), and (5) of sec-
9 tion 1400B(e) shall apply for purposes of this sub-
10 section.

11 “(d) CERTAIN RULES TO APPLY.—For purposes of
12 this section, rules similar to the rules of paragraphs (5),
13 (6), and (7) of subsection (b), and subsections (f) and
14 (g), of section 1400B shall apply; except that for such pur-
15 poses section 1400B(g)(2) shall be applied by
16 substituting—

17 “(1) ‘the day after the date of the enactment of
18 section 1397B’ for ‘January 1, 1998’, and

19 “(2) ‘December 31, 2014’ for ‘December 31,
20 2011’.

21 “(e) REGULATIONS.—The Secretary shall prescribe
22 such regulations as may be appropriate to carry out the
23 purposes of this section, including regulations to prevent
24 the avoidance of the purposes of this section.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Paragraph (2) of section 1394(b) is
2 amended—

3 (A) by striking “section 1397C” and in-
4 sserting “section 1397D”; and

5 (B) by striking “section 1397C(a)(2)” and
6 inserting “section 1397D(a)(2)”.

7 (2) Paragraph (3) of section 1394(b) is
8 amended—

9 (A) by striking “section 1397B” each place
10 it appears and inserting “section 1397C”; and

11 (B) by striking “section 1397B(d)” and in-
12 sserting “section 1397C(d)”.

13 (3) Sections 1400(e) and 1400B(c) are each
14 amended by striking “section 1397B” each place it
15 appears and inserting “section 1397C”.

16 (4) The table of subparts for part III of sub-
17 chapter U of chapter 1 is amended by striking the
18 last item and inserting the following new items:

 “Subpart C. Empowerment zone capital gain.
 “Subpart D. General provisions.”.

19 (5) The table of sections for subpart D of such
20 part III is amended to read as follows:

 “Sec. 1397C. Enterprise zone business defined.
 “Sec. 1397D. Qualified zone property defined.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to qualified empowerment zone as-
23 sets acquired after the date of the enactment of this Act.

1 **SEC. 116. FUNDING FOR ROUND II EMPOWERMENT ZONES.**

2 (a) ENTITLEMENT.—Section 2007(a)(1) of the Social
3 Security Act (42 U.S.C. 1397f(a)(1)) is amended—

4 (1) in subparagraph (A), by striking “in the
5 State; and” and inserting “that is in the State and
6 is designated pursuant to section 1391(b) of the In-
7 ternal Revenue Code of 1986;”; and

8 (2) by adding after subparagraph (B) the fol-
9 lowing new subparagraphs:

10 “(C)(i) 1 grant under this section for each
11 qualified empowerment zone that is in an urban
12 area in the State and is designated pursuant to
13 section 1391(g) of such Code; and

14 “(ii) 1 grant under this section for each
15 qualified empowerment zone that is in a rural
16 area in the State and is designated pursuant to
17 section 1391(g) of such Code; and

18 “(D) 1 grant under this section for each
19 qualified enterprise community that is in the
20 State, is designated pursuant to section
21 1391(b)(1) of such Code, and is in existence on
22 the date of enactment of this subparagraph.”.

23 (b) AMOUNT OF GRANTS.—Section 2007(a)(2) of the
24 Social Security Act (42 U.S.C. 1397f(a)(2)) is amended—

25 (1) in the heading of subparagraph (A), by in-
26 serting “ORIGINAL” before “EMPOWERMENT”;

1 (2) in subparagraph (A), in the matter pre-
 2 ceding clause (i), by inserting “referred to in para-
 3 graph (1)(A)” after “empowerment zone”;

4 (3) by redesignating subparagraph (C) as sub-
 5 paragraph (F); and

6 (4) by inserting after subparagraph (B) the fol-
 7 lowing new subparagraphs:

8 “(C) ADDITIONAL EMPOWERMENT
 9 GRANTS.—The amount of the grant to a State
 10 under this section for a qualified empowerment
 11 zone referred to in paragraph (1)(C) shall be—

12 “(i) if the zone is in an urban area,
 13 \$5,000,000 for fiscal year 2001; or

14 “(ii) if the zone is in a rural area,
 15 \$2,000,000 for fiscal year 2001.

16 “(D) ADDITIONAL ENTERPRISE COMMU-
 17 NITY GRANTS.—The amount of the grant to a
 18 State under this section for a qualified enter-
 19 prise community referred to in paragraph
 20 (1)(D) shall be \$250,000.”.

21 (c) TIMING OF GRANTS.—Section 2007(a)(3) of the
 22 Social Security Act (42 U.S.C. 1397f(a)(3)) is amended—

23 (1) in the heading of subparagraph (A), by in-
 24 serting “ORIGINAL” before “QUALIFIED”;

1 (2) in subparagraph (A), in the matter pre-
 2 ceding clause (i), by inserting “referred to in para-
 3 graph (1)(A)” after “empowerment zone”; and

4 (3) by adding after subparagraph (B) the fol-
 5 lowing new subparagraphs:

6 “(C) ADDITIONAL QUALIFIED EMPOWER-
 7 MENT ZONES.—With respect to each qualified
 8 empowerment zone referred to in paragraph
 9 (1)(C), the Secretary shall make 1 grant under
 10 this section to the State in which the zone lies,
 11 on January 1, 2002.

12 “(D) ADDITIONAL QUALIFIED ENTERPRISE
 13 COMMUNITIES.—With respect to each qualified
 14 enterprise community referred to in paragraph
 15 (1)(D), the Secretary shall make 1 grant under
 16 this section to the State in which the commu-
 17 nity lies on January 1, 2002.”.

18 (d) FUNDING.—Section 2007(a)(4) of the Social Se-
 19 curity Act (42 U.S.C. 1397f(a)(4)) is amended—

20 (1) by striking “(4) FUNDING.—
 21 \$1,000,000,000” and inserting the following:

22 “(4) FUNDING.—

23 “(A) ORIGINAL GRANTS.—
 24 \$1,000,000,000”;

1 (2) by inserting “for empowerment zones and
2 enterprise communities described in subparagraphs
3 (A) and (B) of paragraph (1)” before the period;
4 and

5 (3) by adding after and below the end the fol-
6 lowing new subparagraphs:

7 “(B) ADDITIONAL EMPOWERMENT ZONE
8 GRANTS.—\$85,000,000 shall be made available
9 to the Secretary for grants under this section
10 for empowerment zones referred to in para-
11 graph (1)(C).

12 “(C) ADDITIONAL ENTERPRISE COMMU-
13 NITY GRANTS.—\$22,000,000 shall be made
14 available to the Secretary for grants under this
15 section for enterprise communities referred to
16 in paragraph (1)(D).”.

17 (e) DIRECT FUNDING FOR INDIAN TRIBES.—

18 (1) IN GENERAL.—Section 2007(a) of the So-
19 cial Security Act (42 U.S.C. 1397f(a)) is amended
20 by adding at the end the following new paragraph:

21 “(5) DIRECT FUNDING FOR INDIAN TRIBES.—

22 “(A) IN GENERAL.—The Secretary may
23 make a grant under this section directly to the
24 governing body of an Indian tribe if—

1 “(i) the tribe is identified in the stra-
2 tegic plan of a qualified empowerment zone
3 or qualified enterprise community as the
4 entity that assumes sole or primary re-
5 sponsibility for carrying out activities and
6 projects under the grant; and

7 “(ii) the grant is to be used for activi-
8 ties and projects that are—

9 “(I) included in the strategic
10 plan of the qualified empowerment
11 zone or qualified enterprise commu-
12 nity, consistent with this section; and

13 “(II) approved by the Secretary
14 of Agriculture, in the case of a quali-
15 fied empowerment zone or qualified
16 enterprise community in a rural area,
17 or the Secretary of Housing and
18 Urban Development, in the case of a
19 qualified empowerment zone or quali-
20 fied enterprise community in an urban
21 area.

22 “(B) RULES OF INTERPRETATION.—

23 “(i) If grant under this section is
24 made directly to the governing body of an
25 Indian tribe under subparagraph (A), the

1 tribe shall be considered a State for pur-
2 poses of this section.

3 “(ii) This subparagraph shall not be
4 construed as making applicable to this sec-
5 tion the provisions of the Indian Self-De-
6 termination and Education Assistance
7 Act.”.

8 (2) DEFINITIONS.—Section 2007(f) of such Act
9 (42 U.S.C. 1397f(f)) is amended by adding at the
10 end the following new paragraph:

11 “(7) INDIAN TRIBE.—The term ‘Indian tribe’
12 means any Indian tribe, band, nation, or other orga-
13 nized group or community, including any Alaska Na-
14 tive village or regional or village corporation as de-
15 fined in or established pursuant to the Alaska Na-
16 tive Claims Settlement Act, which is recognized as
17 eligible for the special programs and services pro-
18 vided by the United States to Indians because of
19 their status as Indians.”.

20 **Subtitle C—Modification of Tax**
21 **Incentives for DC Zone**

22 **SEC. 121. EXTENSION OF DC ZONE THROUGH 2006.**

23 (a) IN GENERAL.—The following provisions are
24 amended by striking “2002” each place it appears and
25 inserting “2006”:

1 (1) Section 1400(f).

2 (2) Section 1400A(b).

3 (b) ZERO CAPITAL GAINS RATE.—Section 1400B
4 (relating to zero percent capital gains rate) is amended—

5 (1) by striking “2003” each place it appears
6 and inserting “2007”, and

7 (2) by striking “2007” each place it appears
8 and inserting “2011”.

9 **SEC. 122. EXTENSION OF DC ZERO PERCENT CAPITAL**
10 **GAINS RATE.**

11 (a) IN GENERAL.—Section 1400B (relating to zero
12 percent capital gains rate) is amended by adding at the
13 end the following new subsection:

14 “(h) EXTENSION TO ENTIRE DISTRICT OF COLUM-
15 BIA.—In applying this section to any stock or partnership
16 interest which is originally issued after December 31,
17 2000, or any tangible property acquired by the taxpayer
18 by purchase after December 31, 2000—

19 “(1) subsection (d) shall be applied without re-
20 gard to paragraph (2) thereof, and

21 “(2) subsections (e)(2) and (g)(2) shall be ap-
22 plied by substituting ‘January 1, 2001’ for ‘January
23 1, 1998’.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 this section shall take effect on January 1, 2001.

1 **SEC. 123. GROSS INCOME TEST FOR DC ZONE BUSINESSES.**

2 (a) IN GENERAL.—Section 1400B(c) (defining DC
3 Zone business) is amended by adding “and” at the end
4 of paragraph (1), by striking paragraph (2), and by redesh-
5 ignating paragraph (3) as paragraph (2).

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply to stock and partnership interests
8 originally issued after, and property originally acquired by
9 the taxpayer after, December 31, 2000.

10 **SEC. 124. EXPANSION OF DC HOMEBUYER TAX CREDIT.**

11 (a) EXTENSION.—Section 1400C(i) (relating to ap-
12 plication of section) is amended by striking “2002” and
13 inserting “2004”.

14 (b) EXPANSION OF INCOME LIMITATION.—Section
15 1400C(b)(1) (relating to limitation based on modified ad-
16 justed gross income) is amended—

17 (1) by striking “\$110,000” in subparagraph

18 (A)(i) and inserting “\$140,000”, and

19 (2) by inserting “(\$40,000 in the case of a joint
20 return)” after “\$20,000” in subparagraph (B).

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to taxable years beginning after
23 December 31, 2000.

1 **Subtitle D—New Markets Tax**
2 **Credit**

3 **SEC. 131. NEW MARKETS TAX CREDIT.**

4 (a) IN GENERAL.—Subpart D of part IV of sub-
5 chapter A of chapter 1 (relating to business-related cred-
6 its) is amended by adding at the end the following new
7 section:

8 **“SEC. 45D. NEW MARKETS TAX CREDIT.**

9 “(a) ALLOWANCE OF CREDIT.—

10 “(1) IN GENERAL.—For purposes of section 38,
11 in the case of a taxpayer who holds a qualified eq-
12 uity investment on a credit allowance date of such
13 investment which occurs during the taxable year, the
14 new markets tax credit determined under this sec-
15 tion for such taxable year is an amount equal to the
16 applicable percentage of the amount paid to the
17 qualified community development entity for such in-
18 vestment at its original issue.

19 “(2) APPLICABLE PERCENTAGE.—For purposes
20 of paragraph (1), the applicable percentage is—

21 “(A) 5 percent with respect to the first
22 three credit allowance dates, and

23 “(B) 6 percent with respect to the remain-
24 der of the credit allowance dates.

1 “(3) CREDIT ALLOWANCE DATE.—For purposes
2 of paragraph (1), the term ‘credit allowance date’
3 means, with respect to any qualified equity
4 investment—

5 “(A) the date on which such investment is
6 initially made, and

7 “(B) each of the six anniversary dates of
8 such date thereafter.

9 “(b) QUALIFIED EQUITY INVESTMENT.—For pur-
10 poses of this section—

11 “(1) IN GENERAL.—The term ‘qualified equity
12 investment’ means any equity investment in a quali-
13 fied community development entity if—

14 “(A) such investment is acquired by the
15 taxpayer at its original issue (directly or
16 through an underwriter) solely in exchange for
17 cash,

18 “(B) substantially all of such cash is used
19 by the qualified community development entity
20 to make qualified low-income community invest-
21 ments, and

22 “(C) such investment is designated for
23 purposes of this section by the qualified com-
24 munity development entity.

1 Such term shall not include any equity investment
2 issued by a qualified community development entity
3 more than 5 years after the date that such entity re-
4 ceives an allocation under subsection (f). Any alloca-
5 tion not used within such 5-year period may be re-
6 allocated by the Secretary under subsection (f).

7 “(2) LIMITATION.—The maximum amount of
8 equity investments issued by a qualified community
9 development entity which may be designated under
10 paragraph (1)(C) by such entity shall not exceed the
11 portion of the limitation amount allocated under
12 subsection (f) to such entity.

13 “(3) SAFE HARBOR FOR DETERMINING USE OF
14 CASH.—The requirement of paragraph (1)(B) shall
15 be treated as met if at least 85 percent of the aggre-
16 gate gross assets of the qualified community devel-
17 opment entity are invested in qualified low-income
18 community investments.

19 “(4) TREATMENT OF SUBSEQUENT PUR-
20 CHASERS.—The term ‘qualified equity investment’
21 includes any equity investment which would (but for
22 paragraph (1)(A)) be a qualified equity investment
23 in the hands of the taxpayer if such investment was
24 a qualified equity investment in the hands of a prior
25 holder.

1 “(5) REDEMPTIONS.—A rule similar to the rule
2 of section 1202(e)(3) shall apply for purposes of this
3 subsection.

4 “(6) EQUITY INVESTMENT.—The term ‘equity
5 investment’ means—

6 “(A) any stock (other than nonqualified
7 preferred stock as defined in section 351(g)(2))
8 in an entity which is a corporation, and

9 “(B) any capital interest in an entity
10 which is a partnership.

11 “(c) QUALIFIED COMMUNITY DEVELOPMENT ENTI-
12 TY.—For purposes of this section—

13 “(1) IN GENERAL.—The term ‘qualified com-
14 munity development entity’ means any domestic cor-
15 poration or partnership if—

16 “(A) the primary mission of the entity is
17 serving, or providing investment capital for,
18 low-income communities or low-income persons,

19 “(B) the entity maintains accountability to
20 residents of low-income communities through
21 their representation on any governing board of
22 the entity or on any advisory boards to the enti-
23 ty, and

1 “(C) the entity is certified by the Secretary
2 for purposes of this section as being a qualified
3 community development entity.

4 “(2) SPECIAL RULES FOR CERTAIN ORGANIZA-
5 TIONS.—The requirements of paragraph (1) shall be
6 treated as met by—

7 “(A) any specialized small business invest-
8 ment company (as defined in section
9 1044(c)(3)), and

10 “(B) any community development financial
11 institution (as defined in section 103 of the
12 Community Development Banking and Finan-
13 cial Institutions Act of 1994 (12 U.S.C. 4702)).

14 “(d) QUALIFIED LOW-INCOME COMMUNITY INVEST-
15 MENTS.—For purposes of this section—

16 “(1) IN GENERAL.—The term ‘qualified low-in-
17 come community investment’ means—

18 “(A) any capital or equity investment in,
19 or loan to, any qualified active low-income com-
20 munity business,

21 “(B) the purchase from another commu-
22 nity development entity of any loan made by
23 such entity which is a qualified low-income com-
24 munity investment,

1 “(C) financial counseling and other serv-
2 ices specified in regulations prescribed by the
3 Secretary to businesses located in, and resi-
4 dents of, low-income communities, and

5 “(D) any equity investment in, or loan to,
6 any qualified community development entity.

7 “(2) QUALIFIED ACTIVE LOW-INCOME COMMU-
8 NITY BUSINESS.—

9 “(A) IN GENERAL.—For purposes of para-
10 graph (1), the term ‘qualified active low-income
11 community business’ means, with respect to any
12 taxable year, any corporation (including a non-
13 profit corporation) or partnership if for such
14 year—

15 “(i) at least 50 percent of the total
16 gross income of such entity is derived from
17 the active conduct of a qualified business
18 within any low-income community,

19 “(ii) a substantial portion of the use
20 of the tangible property of such entity
21 (whether owned or leased) is within any
22 low-income community,

23 “(iii) a substantial portion of the serv-
24 ices performed for such entity by its em-

1 ployees are performed in any low-income
2 community,

3 “(iv) less than 5 percent of the aver-
4 age of the aggregate unadjusted bases of
5 the property of such entity is attributable
6 to collectibles (as defined in section
7 408(m)(2)) other than collectibles that are
8 held primarily for sale to customers in the
9 ordinary course of such business, and

10 “(v) less than 5 percent of the aver-
11 age of the aggregate unadjusted bases of
12 the property of such entity is attributable
13 to nonqualified financial property (as de-
14 fined in section 1397C(e)).

15 “(B) PROPRIETORSHIP.—Such term shall
16 include any business carried on by an individual
17 as a proprietor if such business would meet the
18 requirements of subparagraph (A) were it incor-
19 porated.

20 “(C) PORTIONS OF BUSINESS MAY BE
21 QUALIFIED ACTIVE LOW-INCOME COMMUNITY
22 BUSINESS.—The term ‘qualified active low-in-
23 come community business’ includes any trades
24 or businesses which would qualify as a qualified
25 active low-income community business if such

1 trades or businesses were separately incor-
2 porated.

3 “(3) QUALIFIED BUSINESS.—For purposes of
4 this subsection, the term ‘qualified business’ has the
5 meaning given to such term by section 1397C(d); ex-
6 cept that—

7 “(A) in lieu of applying paragraph (2)(B)
8 thereof, the rental to others of real property lo-
9 cated in any low-income community shall be
10 treated as a qualified business if there are sub-
11 stantial improvements located on such property,
12 and

13 “(B) paragraph (3) thereof shall not apply.

14 “(e) LOW-INCOME COMMUNITY.—For purposes of
15 this section—

16 “(1) IN GENERAL.—The term ‘low-income com-
17 munity’ means any population census tract if—

18 “(A) the poverty rate for such tract is at
19 least 20 percent, or

20 “(B)(i) in the case of a tract not located
21 within a metropolitan area, the median family
22 income for such tract does not exceed 80 per-
23 cent of statewide median family income, or

24 “(ii) in the case of a tract located within
25 a metropolitan area, the median family income

1 for such tract does not exceed 80 percent of the
2 greater of statewide median family income or
3 the metropolitan area median family income.

4 “(2) TARGETED AREAS.—The Secretary may
5 designate any area within any census tract as a low-
6 income community if—

7 “(A) the boundary of such area is contin-
8 uous,

9 “(B) the area would satisfy the require-
10 ments of paragraph (1) if it were a census
11 tract, and

12 “(C) an inadequate access to investment
13 capital exists in such area.

14 “(3) AREAS NOT WITHIN CENSUS TRACTS.—In
15 the case of an area which is not tracted for popu-
16 lation census tracts, the equivalent county divisions
17 (as defined by the Bureau of the Census for pur-
18 poses of defining poverty areas) shall be used for
19 purposes of determining poverty rates and median
20 family income.

21 “(f) NATIONAL LIMITATION ON AMOUNT OF INVEST-
22 MENTS DESIGNATED.—

23 “(1) IN GENERAL.—There is a new markets tax
24 credit limitation for each calendar year. Such limita-
25 tion is—

1 “(A) \$1,000,000,000 for 2002, and

2 “(B) \$1,500,000,000 for 2003, 2004,
3 2005, and 2006.

4 “(2) ALLOCATION OF LIMITATION.—The limita-
5 tion under paragraph (1) shall be allocated by the
6 Secretary among qualified community development
7 entities selected by the Secretary. In making alloca-
8 tions under the preceding sentence, the Secretary
9 shall give priority to any entity—

10 “(A) with a record of having successfully
11 provided capital or technical assistance to dis-
12 advantaged businesses or communities, or

13 “(B) which intends to satisfy the require-
14 ment under subsection (b)(1)(B) by making
15 qualified low-income community investments in
16 1 or more businesses in which persons unre-
17 lated to such entity (within the meaning of sec-
18 tion 267(b) or 707(b)(1)) hold the majority eq-
19 uity interest.

20 “(3) CARRYOVER OF UNUSED LIMITATION.—If
21 the new markets tax credit limitation for any cal-
22 endar year exceeds the aggregate amount allocated
23 under paragraph (2) for such year, such limitation
24 for the succeeding calendar year shall be increased
25 by the amount of such excess. No amount may be

1 carried under the preceding sentence to any calendar
2 year after 2013.

3 “(g) RECAPTURE OF CREDIT IN CERTAIN CASES.—

4 “(1) IN GENERAL.—If, at any time during the
5 7-year period beginning on the date of the original
6 issue of a qualified equity investment in a qualified
7 community development entity, there is a recapture
8 event with respect to such investment, then the tax
9 imposed by this chapter for the taxable year in
10 which such event occurs shall be increased by the
11 credit recapture amount.

12 “(2) CREDIT RECAPTURE AMOUNT.—For pur-
13 poses of paragraph (1), the credit recapture amount
14 is an amount equal to the sum of—

15 “(A) the aggregate decrease in the credits
16 allowed to the taxpayer under section 38 for all
17 prior taxable years which would have resulted if
18 no credit had been determined under this sec-
19 tion with respect to such investment, plus

20 “(B) interest at the underpayment rate es-
21 tablished under section 6621 on the amount de-
22 termined under subparagraph (A) for each
23 prior taxable year for the period beginning on
24 the due date for filing the return for the prior
25 taxable year involved.

1 No deduction shall be allowed under this chapter for
2 interest described in subparagraph (B).

3 “(3) RECAPTURE EVENT.—For purposes of
4 paragraph (1), there is a recapture event with re-
5 spect to an equity investment in a qualified commu-
6 nity development entity if—

7 “(A) such entity ceases to be a qualified
8 community development entity,

9 “(B) the proceeds of the investment cease
10 to be used as required of subsection (b)(1)(B),
11 or

12 “(C) such investment is redeemed by such
13 entity.

14 “(4) SPECIAL RULES.—

15 “(A) TAX BENEFIT RULE.—The tax for
16 the taxable year shall be increased under para-
17 graph (1) only with respect to credits allowed
18 by reason of this section which were used to re-
19 duce tax liability. In the case of credits not so
20 used to reduce tax liability, the carryforwards
21 and carrybacks under section 39 shall be appro-
22 priately adjusted.

23 “(B) NO CREDITS AGAINST TAX.—Any in-
24 crease in tax under this subsection shall not be
25 treated as a tax imposed by this chapter for

1 purposes of determining the amount of any
2 credit under this chapter or for purposes of sec-
3 tion 55.

4 “(h) BASIS REDUCTION.—The basis of any qualified
5 equity investment shall be reduced by the amount of any
6 credit determined under this section with respect to such
7 investment. This subsection shall not apply for purposes
8 of sections 1202, 1397B, and 1400B.

9 “(i) REGULATIONS.—The Secretary shall prescribe
10 such regulations as may be appropriate to carry out this
11 section, including regulations—

12 “(1) which limit the credit for investments
13 which are directly or indirectly subsidized by other
14 Federal tax benefits (including the credit under sec-
15 tion 42 and the exclusion from gross income under
16 section 103),

17 “(2) which prevent the abuse of the purposes of
18 this section,

19 “(3) which provide rules for determining wheth-
20 er the requirement of subsection (b)(1)(B) is treated
21 as met,

22 “(4) which impose appropriate reporting re-
23 quirements, and

24 “(5) which apply the provisions of this section
25 to newly formed entities.”.

1 (b) CREDIT MADE PART OF GENERAL BUSINESS
2 CREDIT.—

3 (1) IN GENERAL.—Subsection (b) of section 38
4 is amended by striking “plus” at the end of para-
5 graph (11), by striking the period at the end of
6 paragraph (12) and inserting “, plus”, and by add-
7 ing at the end the following new paragraph:

8 “(13) the new markets tax credit determined
9 under section 45D(a).”.

10 (2) LIMITATION ON CARRYBACK.—Subsection
11 (d) of section 39 is amended by adding at the end
12 the following new paragraph:

13 “(9) NO CARRYBACK OF NEW MARKETS TAX
14 CREDIT BEFORE JANUARY 1, 2002.—No portion of
15 the unused business credit for any taxable year
16 which is attributable to the credit under section 45D
17 may be carried back to a taxable year ending before
18 January 1, 2002.”.

19 (c) DEDUCTION FOR UNUSED CREDIT.—Subsection
20 (c) of section 196 is amended by striking “and” at the
21 end of paragraph (7), by striking the period at the end
22 of paragraph (8) and inserting “, and”, and by adding
23 at the end the following new paragraph:

24 “(9) the new markets tax credit determined
25 under section 45D(a).”.

1 (d) CLERICAL AMENDMENT.—The table of sections
2 for subpart D of part IV of subchapter A of chapter 1
3 is amended by adding at the end the following new item:

“Sec. 45D. New markets tax credit.”.

4 (e) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to investments made after Decem-
6 ber 31, 2001.

7 (f) REGULATIONS ON ALLOCATION OF NATIONAL
8 LIMITATION.—Not later than 120 days after the date of
9 the enactment of this Act, the Secretary of the Treasury
10 or the Secretary’s delegate shall prescribe regulations
11 which specify—

12 (1) how entities shall apply for an allocation
13 under section 45D(f)(2) of the Internal Revenue
14 Code of 1986, as added by this section;

15 (2) the competitive procedure through which
16 such allocations are made; and

17 (3) the actions that such Secretary or delegate
18 shall take to ensure that such allocations are prop-
19 erly made to appropriate entities.

20 (g) AUDIT AND REPORT.—Not later than January 31
21 of 2004 and 2007, the Comptroller General of the United
22 States shall, pursuant to an audit of the new markets tax
23 credit program established under section 45D of the Inter-
24 nal Revenue Code of 1986 (as added by subsection (a)),
25 report to Congress on such program, including all quali-

1 fied community development entities that receive an allo-
 2 cation under the new markets credit under such section.

3 **Subtitle E—Modification of Tax**
 4 **Incentives for Puerto Rico**

5 **SEC. 141. MODIFICATION OF PUERTO RICO ECONOMIC AC-**
 6 **TIVITY TAX CREDIT.**

7 (a) CORPORATIONS ELIGIBLE TO CLAIM CREDIT.—
 8 Section 30A(a)(2) (defining qualified domestic corpora-
 9 tion) is amended to read as follows:

10 “(2) QUALIFIED DOMESTIC CORPORATION.—

11 For purposes of paragraph (1)—

12 “(A) IN GENERAL.—A domestic corpora-
 13 tion shall be treated as a qualified domestic cor-
 14 poration for a taxable year if it is actively con-
 15 ducting within Puerto Rico during the taxable
 16 year—

17 “(i) a line of business with respect to
 18 which the domestic corporation is an exist-
 19 ing credit claimant under section
 20 936(j)(9), or

21 “(ii) with respect to taxable years
 22 ending after December 31, 2000, an eligi-
 23 ble line of business not described in clause
 24 (i) with respect to which the domestic cor-
 25 poration is an existing credit claimant

1 under section 936(j)(9) (determined with-
2 out regard to subparagraph (B) thereof).

3 “(B) LIMITATION TO LINES OF BUSI-
4 NESS.—A domestic corporation shall be treated
5 as a qualified domestic corporation under sub-
6 paragraph (A) only with respect to the lines of
7 business described in subparagraph (A) which it
8 is actively conducting in Puerto Rico during the
9 taxable year.

10 “(C) EXCEPTION FOR CORPORATIONS
11 ELECTING REDUCED CREDIT.—A domestic cor-
12 poration shall not be treated as a qualified do-
13 mestic corporation if such corporation (or any
14 predecessor) had an election in effect under sec-
15 tion 936(a)(4)(B)(iii) for any taxable year be-
16 ginning after December 31, 1996.”.

17 (b) APPLICATION ON SEPARATE LINE OF BUSINESS
18 BASIS; ELIGIBLE LINE OF BUSINESS.—Section 30A is
19 amended by redesignating subsection (g) as subsection (h)
20 and by inserting after subsection (f) the following new
21 subsection:

22 “(g) APPLICATION ON LINE OF BUSINESS BASIS; EL-
23 IGIBLE LINES OF BUSINESS.—For purposes of this
24 section—

1 “(1) APPLICATION TO SEPARATE LINE OF BUSI-
2 NESS.—

3 “(A) IN GENERAL.—In determining the
4 amount of the credit under subsection (a), this
5 section shall be applied separately with respect
6 to each substantial line of business of the quali-
7 fied domestic corporation described in sub-
8 section (a)(2)(A)(ii).

9 “(B) ALLOCATION.—The Secretary shall
10 prescribe rules necessary to carry out the pur-
11 poses of this paragraph, including rules—

12 “(i) for the allocation of items of in-
13 come, gain, deduction, and loss for pur-
14 poses of determining taxable income under
15 subsection (a), and

16 “(ii) for the allocation of wages, fringe
17 benefit expenses, and depreciation allow-
18 ances for purposes of applying the limita-
19 tions under subsection (d).

20 “(2) ELIGIBLE LINE OF BUSINESS.—The term
21 ‘eligible line of business’ means a substantial line of
22 business established by a qualified domestic corpora-
23 tion described in subsection (a)(2)(A)(ii) after De-
24 cember 31, 2000.”.

1 (c) MODIFICATION OF BASE PERIOD CAP FOR EXIST-
2 ING CLAIMANTS.—The last sentence of section 30A(a)(1)
3 (relating to allowance of credit) is amended—

4 (1) by striking “In” and inserting “With re-
5 spect to any qualified domestic corporation described
6 in paragraph (2)(A)(i), in”,

7 (2) by inserting “the greater of” after “ex-
8 ceed”, and

9 (3) by inserting “, or such income multiplied by
10 the ratio of the average number of full-time employ-
11 ees of such taxpayers during the taxable year to the
12 average number of such full-time employees in 1995
13 and 1996” after “section 936(j)”.

14 (d) CREDIT TAKEN OVER 5-YEAR PERIOD.—Section
15 30A, as amended by subsection (b), is amended by redес-
16 ignating subsection (h) as subsection (i) and by inserting
17 after subsection (g) the following new subsection:

18 “(h) CREDIT TAKEN OVER 5-YEAR PERIOD.—In the
19 case of any qualified domestic corporation described in
20 paragraph (2)(A)(ii), the aggregate amount of the credit
21 otherwise determined under subsection (a) for any taxable
22 year shall be allowed ratably over the 5-taxable year period
23 beginning with such taxable year.”.

24 (e) CONFORMING AMENDMENTS.—

1 (1) Section 30A(a)(3) is amended by striking
2 “an existing credit claimant” and inserting “a quali-
3 fied domestic corporation”.

4 (2) Section 30A(b) is amended by striking
5 “within a possession” each place it appears and in-
6 serting “within Puerto Rico”.

7 (3) Section 30A(d) is amended by striking
8 “possession” each place it appears.

9 (4) Section 30A(f) is amended to read as fol-
10 lows:

11 “(f) DEFINITIONS.—For purposes of this section—

12 “(1) QUALIFIED INCOME TAXES.—The qualified
13 income taxes for any taxable year allocable to non-
14 sheltered income shall be determined in the same
15 manner as under section 936(i)(3).

16 “(2) QUALIFIED WAGES.—The qualified wages
17 for any taxable year shall be determined in the same
18 manner as under section 936(i)(1).

19 “(3) OTHER TERMS.—Any term used in this
20 section which is also used in section 936 shall have
21 the same meaning given such term by section 936.”.

22 (f) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to taxable years ending after De-
24 cember 31, 2000.

1 **Subtitle F—Individual** 2 **Development Accounts**

3 **SEC. 151. DEFINITIONS.**

4 As used in this subtitle:

5 (1) **ELIGIBLE INDIVIDUAL.**—

6 (A) **IN GENERAL.**—The term “eligible indi-
7 vidual” means an individual who—

8 (i) has attained the age of 18 years;

9 (ii) is a citizen or legal resident of the

10 United States; and

11 (iii) is a member of a household—

12 (I) the gross income of which

13 does not exceed 60 percent of the na-

14 tional median family income (as pub-

15 lished by the Bureau of the Census),

16 as adjusted for family size; and

17 (II) the net worth of which does

18 not exceed \$10,000.

19 (B) **HOUSEHOLD.**—The term “household”

20 means all individuals who share use of a dwell-

21 ing unit as primary quarters for living and eat-

22 ing separate from other individuals.

23 (C) **DETERMINATION OF NET WORTH.**—

1 (i) IN GENERAL.—For purposes of
 2 subparagraph (A)(iii)(II), the net worth of
 3 a household is the amount equal to—

4 (I) the aggregate fair market
 5 value of all assets that are owned in
 6 whole or in part by any member of a
 7 household, minus

8 (II) the obligations or debts of
 9 any member of the household.

10 (ii) CERTAIN ASSETS DIS-
 11 REGARDED.—For purposes of determining
 12 the net worth of a household, a household’s
 13 assets shall not be considered to include—

14 (I) the primary dwelling unit;

15 (II) 1 motor vehicle owned by the
 16 household; and

17 (III) the sum of all contributions
 18 by an eligible individual (including
 19 earnings thereon) to any Individual
 20 Development Account, plus the match-
 21 ing deposits made on behalf of such
 22 individual (including earnings there-
 23 on) in any parallel account.

24 (2) INDIVIDUAL DEVELOPMENT ACCOUNT.—

25 The term “Individual Development Account” means

1 an account established for an eligible individual as
2 part of a qualified individual development account
3 program, but only if the written governing instru-
4 ment creating the account meets the following re-
5 quirements:

6 (A) The sole owner of the account is the
7 eligible individual.

8 (B) No contribution will be accepted unless
9 it is in cash, by check, by electronic fund trans-
10 fer, or by electronic money order.

11 (C) The holder of the account is a quali-
12 fied financial institution, a qualified nonprofit
13 organization, or an Indian tribe.

14 (D) The assets of the account will not be
15 commingled with other property except in a
16 common trust fund or common investment
17 fund.

18 (E) Except as provided in section 156(b),
19 any amount in the account may be paid out
20 only for the purpose of paying the qualified ex-
21 penses of the eligible individual.

22 (3) PARALLEL ACCOUNT.—The term “parallel
23 account” means a separate, parallel individual or
24 pooled account for all matching funds and earnings
25 dedicated to an eligible individual as part of a quali-

1 fied individual development account program, the
2 sole owner of which is a qualified financial institu-
3 tion, a qualified nonprofit organization, or an Indian
4 tribe.

5 (4) QUALIFIED FINANCIAL INSTITUTION.—

6 (A) IN GENERAL.—The term “qualified fi-
7 nancial institution” means any person author-
8 ized to be a trustee of any individual retirement
9 account under section 408(a)(2).

10 (B) RULE OF CONSTRUCTION.—Nothing in
11 this paragraph shall be construed as preventing
12 a person described in subparagraph (A) from
13 collaborating with 1 or more contractual affili-
14 ates, qualified nonprofit organizations, or In-
15 dian tribes to carry out an individual develop-
16 ment account program established under sec-
17 tion 152.

18 (5) QUALIFIED NONPROFIT ORGANIZATION.—

19 The term “qualified nonprofit organization”
20 means—

21 (A) any organization described in section
22 501(c)(3) of the Internal Revenue Code of 1986
23 and exempt from taxation under section 501(a)
24 of such Code;

1 (B) any community development financial
2 institution certified by the Community Develop-
3 ment Financial Institution Fund; or

4 (C) any credit union chartered under Fed-
5 eral or State law and certified by the National
6 Credit Union Administration,

7 that meets standards for financial management and
8 fiduciary responsibility as defined by the Secretary
9 or an organization designated by the Secretary.

10 (6) INDIAN TRIBE.—The term “Indian tribe”
11 means any Indian tribe as defined in section 4(12)
12 of the Native American Housing Assistance and
13 Self-Determination Act of 1996 (25 U.S.C.
14 4103(12)), and includes any tribal subsidiary, sub-
15 division, or other wholly owned tribal entity.

16 (7) QUALIFIED INDIVIDUAL DEVELOPMENT AC-
17 COUNT PROGRAM.—The term “qualified individual
18 development account program” means a program es-
19 tablished under section 152 under which—

20 (A) Individual Development Accounts and
21 parallel accounts are held by a qualified finan-
22 cial institution, a qualified nonprofit organiza-
23 tion, or an Indian tribe; and

24 (B) additional activities determined by the
25 Secretary, or an organization designated by the

1 Secretary, as necessary to responsibly develop
2 and administer accounts, including recruiting,
3 providing financial education and other training
4 to account holders, and regular program moni-
5 toring, are carried out by such qualified finan-
6 cial institution, qualified nonprofit organization,
7 or Indian tribe.

8 (8) QUALIFIED EXPENSE DISTRIBUTION.—

9 (A) IN GENERAL.—The term “qualified ex-
10 pense distribution” means any amount paid (in-
11 cluding through electronic payments) or distrib-
12 uted out of an Individual Development Account
13 and a parallel account established for an eligible
14 individual if such amount—

15 (i) is used exclusively to pay the quali-
16 fied expenses of such individual or such in-
17 dividual’s spouse or dependents;

18 (ii) is paid by the qualified financial
19 institution, qualified nonprofit organiza-
20 tion, or Indian tribe directly to the person
21 to whom the amount is due or to another
22 Individual Development Account; and

23 (iii) is paid after the holder of the In-
24 dividual Development Account has com-

1 pleted a financial education course as re-
2 quired under section 153(b).

3 (B) QUALIFIED EXPENSES.—

4 (i) IN GENERAL.—The term “qualified
5 expenses” means any of the following:

6 (I) Qualified higher education ex-
7 penses.

8 (II) Qualified first-time home-
9 buyer costs.

10 (III) Qualified business capital-
11 ization or expansion costs.

12 (IV) Qualified rollovers.

13 (ii) QUALIFIED HIGHER EDUCATION
14 EXPENSES.—

15 (I) IN GENERAL.—The term
16 “qualified higher education expenses”
17 has the meaning given such term by
18 section 72(t)(7) of the Internal Rev-
19 enue Code of 1986, determined by
20 treating postsecondary vocational edu-
21 cational schools as eligible educational
22 institutions.

23 (II) POSTSECONDARY VOCA-
24 TIONAL EDUCATION SCHOOL.—The
25 term “postsecondary vocational edu-

1 cational school” means an area voca-
2 tional education school (as defined in
3 subparagraph (C) or (D) of section
4 521(4) of the Carl D. Perkins Voca-
5 tional and Applied Technology Edu-
6 cation Act (20 U.S.C. 2471(4)))
7 which is in any State (as defined in
8 section 521(33) of such Act), as such
9 sections are in effect on the date of
10 the enactment of this Act.

11 (III) COORDINATION WITH
12 OTHER BENEFITS.—The amount of
13 qualified higher education expenses
14 for any taxable year shall be reduced
15 as provided in section 25A(g)(2) of
16 such Code and by the amount of such
17 expenses for which a credit or exclu-
18 sion is allowed under chapter 1 of
19 such Code for such taxable year.

20 (iii) QUALIFIED FIRST-TIME HOME-
21 BUYER COSTS.—The term “qualified first-
22 time homebuyer costs” means qualified ac-
23 quisition costs (as defined in section
24 72(t)(8) of such Code without regard to
25 subparagraph (B) thereof) with respect to

1 a principal residence (within the meaning
2 of section 121 of such Code) for a qualified
3 first-time homebuyer (as defined in section
4 72(t)(8) of such Code).

5 (iv) QUALIFIED BUSINESS CAPITAL-
6 IZATION OR EXPANSION COSTS.—

7 (I) IN GENERAL.—The term
8 “qualified business capitalization or
9 expansion costs” means qualified ex-
10 penditures for the capitalization or ex-
11 pansion of a qualified business pursu-
12 ant to a qualified business plan.

13 (II) QUALIFIED EXPENDI-
14 TURES.—The term “qualified expendi-
15 tures” means expenditures included in
16 a qualified business plan, including
17 capital, plant, equipment, working
18 capital, inventory expenses, attorney
19 and accounting fees, and other costs
20 normally associated with starting or
21 expanding a business.

22 (III) QUALIFIED BUSINESS.—
23 The term “qualified business” means
24 any business that does not contravene
25 any law.

1 (IV) QUALIFIED BUSINESS
2 PLAN.—The term “qualified business
3 plan” means a business plan which
4 meets such requirements as the Sec-
5 retary or an organization designated
6 by the Secretary may specify.

7 (v) QUALIFIED ROLLOVERS.—The
8 term “qualified rollover” means, with re-
9 spect to any distribution from an Indi-
10 vidual Development Account, the payment,
11 within 120 days of such distribution, of all
12 or a portion of such distribution to such
13 account or to another Individual Develop-
14 ment Account established in another quali-
15 fied financial institution, qualified non-
16 profit organization, or Indian tribe for the
17 benefit of the eligible individual, or, if such
18 individual is deceased, the spouse, any de-
19 pendent, or other named beneficiary of the
20 deceased. Rules similar to the rules of sec-
21 tion 408(d)(3) of such Code (other than
22 subparagraph (C) thereof) shall apply for
23 purposes of this clause.

24 (9) SECRETARY.—The term “Secretary” means
25 the Secretary of the Treasury.

1 **SEC. 152. STRUCTURE AND ADMINISTRATION OF QUALI-**
2 **FIED INDIVIDUAL DEVELOPMENT ACCOUNT**
3 **PROGRAMS.**

4 (a) ESTABLISHMENT OF QUALIFIED INDIVIDUAL DE-
5 VELOPMENT ACCOUNT PROGRAMS.—Any qualified finan-
6 cial institution, qualified nonprofit organization, or Indian
7 tribe may establish 1 or more qualified individual develop-
8 ment account programs which meet the requirements of
9 this subtitle.

10 (b) BASIC PROGRAM STRUCTURE.—

11 (1) IN GENERAL.—All qualified individual de-
12 velopment account programs shall consist of the fol-
13 lowing 2 components:

14 (A) An Individual Development Account to
15 which an eligible individual may contribute
16 money in accordance with section 154.

17 (B) A parallel account to which all match-
18 ing funds shall be deposited in accordance with
19 section 155.

20 (2) TAILORED IDA PROGRAMS.—A qualified fi-
21 nancial institution, qualified nonprofit organization,
22 or Indian tribe may tailor its qualified individual de-
23 velopment account program to allow matching funds
24 to be spent on 1 or more of the categories of quali-
25 fied expenses.

1 (c) TAX TREATMENT OF ACCOUNTS.—Any account
 2 described in subparagraph (B) of subsection (b)(1) is ex-
 3 empt from taxation under the Internal Revenue Code of
 4 1986 unless such account has ceased to be such an ac-
 5 count by reason of section 156(c) or the termination of
 6 the qualified individual development account program
 7 under section 157(b).

8 **SEC. 153. PROCEDURES FOR OPENING AN INDIVIDUAL DE-**
 9 **VELOPMENT ACCOUNT AND QUALIFYING FOR**
 10 **MATCHING FUNDS.**

11 (a) OPENING AN ACCOUNT.—An eligible individual
 12 must open an Individual Development Account with a
 13 qualified financial institution, qualified nonprofit organi-
 14 zation, or Indian tribe and contribute money in accordance
 15 with section 154 to qualify for matching funds in a par-
 16 allel account.

17 (b) REQUIRED COMPLETION OF FINANCIAL EDU-
 18 CATION COURSE.—

19 (1) IN GENERAL.—Before becoming eligible to
 20 withdraw matching funds to pay for qualified ex-
 21 penses, holders of Individual Development Accounts
 22 must complete a financial education course offered
 23 by a qualified financial institution, a qualified non-
 24 profit organization, an Indian tribe, or a government
 25 entity.

1 (2) STANDARD AND APPLICABILITY OF
2 COURSE.—The Secretary or an organization des-
3 igned by the Secretary, in consultation with rep-
4 resentatives of qualified individual development ac-
5 count programs and financial educators, shall estab-
6 lish minimum performance standards for financial
7 education courses offered under paragraph (1) and
8 a protocol to exempt eligible individuals from the re-
9 quirement under paragraph (1) because of hardship
10 or lack of need.

11 **SEC. 154. CONTRIBUTIONS TO INDIVIDUAL DEVELOPMENT**
12 **ACCOUNTS.**

13 (a) IN GENERAL.—Except in the case of a qualified
14 rollover, individual contributions to an Individual Develop-
15 ment Account will not be accepted for the taxable year
16 in excess of the lesser of—

17 (1) \$2,000; or

18 (2) an amount equal to the sum of—

19 (A) the compensation (as defined in section
20 219(f)(1) of the Internal Revenue Code of
21 1986) includible in the individual's gross in-
22 come for such taxable year; and

23 (B) in the case of an eligible individual
24 who has retired on disability (within the mean-
25 ing of section 22 of the Internal Revenue Code

1 of 1986) before the close of the taxable year,
2 any amount received as a disability benefit and
3 excluded from the individual's gross income for
4 such taxable year.

5 (b) PROOF OF COMPENSATION AND STATUS AS AN
6 ELIGIBLE INDIVIDUAL.—Federal W-2 forms and other
7 forms specified by the Secretary proving the eligible indi-
8 vidual's wages and other compensation (including amounts
9 described in subsection (a)(2)(B)) and the status of the
10 individual as an eligible individual shall be presented at
11 the time of the establishment of the Individual Develop-
12 ment Account and at least once annually thereafter.

13 (c) DEEMED WITHDRAWALS OF EXCESS CONTRIBU-
14 TIONS.—If the individual for whose benefit an Individual
15 Development Account is established contributes an
16 amount in excess of the amount allowed under subsection
17 (a) and fails to withdraw the excess contribution plus the
18 amount of net income attributable to such excess contribu-
19 tion on or before the day prescribed by law (including ex-
20 tensions of time) for filing such individual's return of tax
21 for the taxable year, such excess contribution and net in-
22 come shall be deemed to have been withdrawn on such day
23 by such individual for purposes other than to pay qualified
24 expenses.

1 (d) CROSS REFERENCE.—

For designation of earned income tax credit payments for deposit to an Individual Development Account, see section 32(o) of the Internal Revenue Code of 1986.

2 **SEC. 155. DEPOSITS BY QUALIFIED INDIVIDUAL DEVELOP-**
3 **MENT ACCOUNT PROGRAMS.**

4 (a) PARALLEL ACCOUNTS.—The qualified financial
5 institution, qualified nonprofit organization, or Indian
6 tribe shall deposit all matching funds for each Individual
7 Development Account into a parallel account at a qualified
8 financial institution, qualified nonprofit organization, or
9 Indian tribe.

10 (b) REGULAR DEPOSITS OF MATCHING FUNDS.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the qualified financial institution, qualified nonprofit
13 organization, or Indian tribe shall not less than an-
14 nually (or upon a proper withdrawal request under
15 section 156, if necessary) deposit into the parallel
16 account with respect to each eligible individual the
17 following:

18 (A) A dollar-for-dollar match for the first
19 \$300 contributed by the eligible individual into
20 an Individual Development Account with re-
21 spect to any taxable year.

1 (B) Any matching funds provided by State,
2 local, or private sources in accordance to the
3 matching ratio set by those sources.

4 (2) CROSS REFERENCE.—

For allowance of tax credit for Individual Development Account subsidies, including matching funds, see section 30B of the Internal Revenue Code of 1986.

5 (c) FORFEITURE OF MATCHING FUNDS.—Matching
6 funds that are forfeited under section 156(b) shall be used
7 by the qualified financial institution, qualified nonprofit
8 organization, or Indian tribe to pay matches for other In-
9 dividual Development Account contributions by eligible in-
10 dividuals.

11 (d) UNIFORM ACCOUNTING REGULATIONS.—To en-
12 sure proper recordkeeping and determination of the tax
13 credit under section 30C of the Internal Revenue Code of
14 1986, the Secretary shall prescribe regulations with re-
15 spect to accounting for matching funds from all possible
16 sources in the parallel accounts.

17 (e) REGULAR REPORTING OF ACCOUNTS.—Any
18 qualified financial institution, qualified nonprofit organi-
19 zation, or Indian tribe shall report the balances in any
20 Individual Development Account and parallel account of
21 an eligible individual on not less than an annual basis.

1 **SEC. 156. WITHDRAWAL PROCEDURES.**

2 (a) WITHDRAWALS FOR QUALIFIED EXPENSES.—To
3 withdraw money from an eligible individual's Individual
4 Development Account to pay qualified expenses of such
5 individual or such individual's spouse or dependents, the
6 qualified financial institution, qualified nonprofit organi-
7 zation, or Indian tribe shall directly transfer such funds
8 from the Individual Development Account, and, if applica-
9 ble, from the parallel account electronically to the vendor
10 or other Individual Development Account. If the vendor
11 is not equipped to receive funds electronically, the quali-
12 fied financial institution, qualified nonprofit organization,
13 or Indian tribe may issue such funds by paper check to
14 the vendor.

15 (b) WITHDRAWALS FOR NONQUALIFIED EX-
16 PENSES.—An Individual Development Account holder may
17 unilaterally withdraw funds from the Individual Develop-
18 ment Account for purposes other than to pay qualified ex-
19 penses, but shall forfeit the corresponding matching funds
20 and interest earned on the matching funds by doing so,
21 unless such withdrawn funds are recontributed to such Ac-
22 count by September 30 following the withdrawal.

23 (c) DEEMED WITHDRAWALS FROM ACCOUNTS OF
24 NONELIGIBLE INDIVIDUALS.—If the individual for whose
25 benefit an Individual Development Account is established
26 ceases to be an eligible individual, such account shall cease

1 to be an Individual Development Account as of the first
 2 day of the taxable year of such individual and any balance
 3 in such account shall be deemed to have been withdrawn
 4 on such first day by such individual for purposes other
 5 than to pay qualified expenses.

6 (d) TAX TREATMENT OF MATCHING FUNDS.—Any
 7 amount withdrawn from a parallel account shall not be
 8 includible in an eligible individual's gross income.

9 **SEC. 157. CERTIFICATION AND TERMINATION OF QUALI-**
 10 **FIED INDIVIDUAL DEVELOPMENT ACCOUNT**
 11 **PROGRAMS.**

12 (a) CERTIFICATION PROCEDURES.—Upon estab-
 13 lishing a qualified individual development account pro-
 14 gram under section 152, a qualified financial institution,
 15 qualified nonprofit organization, or Indian tribe shall cer-
 16 tify to the Secretary, or an organization designated by the
 17 Secretary, on forms prescribed by the Secretary or such
 18 organization and accompanied by any documentation re-
 19 quired by the Secretary or such organization, that—

20 (1) the accounts described in subparagraphs
 21 (A) and (B) of section 152(b)(1) are operating pur-
 22 suant to all the provisions of this subtitle; and

23 (2) the qualified financial institution, qualified
 24 nonprofit organization, or Indian tribe agrees to im-
 25 plement an information system necessary to monitor

1 the cost and outcomes of the qualified individual de-
2 velopment account program.

3 (b) AUTHORITY TO TERMINATE QUALIFIED IDA
4 PROGRAM.—If the Secretary, or an organization des-
5 igned by the Secretary, determines that a qualified fi-
6 nancial institution, qualified nonprofit organization, or In-
7 dian tribe under this subtitle is not operating a qualified
8 individual development account program in accordance
9 with the requirements of this subtitle (and has not imple-
10 mented any corrective recommendations directed by the
11 Secretary or such organization), the Secretary or such or-
12 ganization shall terminate such institution's, nonprofit or-
13 ganization's, or Indian tribe's authority to conduct the
14 program. If the Secretary, or an organization designated
15 by the Secretary, is unable to identify a qualified financial
16 institution, qualified nonprofit organization, or Indian
17 tribe to assume the authority to conduct such program,
18 then any account established for the benefit of any eligible
19 individual under such program shall cease to be an Indi-
20 vidual Development Account as of the first day of such
21 termination and any balance in such account shall be
22 deemed to have been withdrawn on such first day by such
23 individual for purposes other than to pay qualified ex-
24 penses.

1 **SEC. 158. REPORTING, MONITORING, AND EVALUATION.**

2 (a) RESPONSIBILITIES OF QUALIFIED FINANCIAL IN-
3 STITUTIONS, QUALIFIED NONPROFIT ORGANIZATIONS,
4 AND INDIAN TRIBES.—Each qualified financial institu-
5 tion, qualified nonprofit organization, or Indian tribe that
6 establishes a qualified individual development account pro-
7 gram under section 152 shall report annually to the Sec-
8 retary, directly or through an organization designated by
9 the Secretary, within 90 days after the end of each cal-
10 endar year on—

11 (1) the number of eligible individuals making
12 contributions into Individual Development Accounts;

13 (2) the amounts contributed into Individual De-
14 velopment Accounts and deposited into parallel ac-
15 counts for matching funds;

16 (3) the amounts withdrawn from Individual De-
17 velopment Accounts and parallel accounts, and the
18 purposes for which such amounts were withdrawn;

19 (4) the balances remaining in Individual Devel-
20 opment Accounts and parallel accounts; and

21 (5) such other information needed to help the
22 Secretary, or an organization designated by the Sec-
23 retary, monitor the cost and outcomes of the quali-
24 fied individual development account program.

25 (b) RESPONSIBILITIES OF THE SECRETARY OR DES-
26 IGNATED ORGANIZATION.—

1 (1) MONITORING PROTOCOL.—Not later than
2 12 months after the date of the enactment of this
3 Act, the Secretary, or an organization designated by
4 the Secretary, shall develop and implement a pro-
5 tocol and process to monitor the cost and outcomes
6 of the qualified individual development account pro-
7 grams established under section 152.

8 (2) ANNUAL REPORTS.—In each year after the
9 date of the enactment of this Act, the Secretary, or
10 an organization designated by the Secretary, shall
11 submit a progress report to Congress on the status
12 of such qualified individual development account
13 programs. Such report shall include from a rep-
14 resentative sample of qualified financial institutions,
15 qualified nonprofit organizations, and Indian tribes
16 a report on—

17 (A) the characteristics of participants, in-
18 cluding age, gender, race or ethnicity, marital
19 status, number of children, employment status,
20 and monthly income;

21 (B) individual level data on deposits, with-
22 drawals, balances, uses of Individual Develop-
23 ment Accounts, and participant characteristics;

24 (C) the characteristics of qualified indi-
25 vidual development account programs, including

1 match rate, economic education requirements,
2 permissible uses of accounts, staffing of pro-
3 grams in full time employees, and the total
4 costs of programs; and

5 (D) process information on program imple-
6 mentation and administration, especially on
7 problems encountered and how problems were
8 solved.

9 **SEC. 159. ACCOUNT FUNDS OF PROGRAM PARTICIPANTS**
10 **DISREGARDED FOR PURPOSES OF CERTAIN**
11 **MEANS-TESTED FEDERAL PROGRAMS.**

12 Notwithstanding any other provision of Federal law
13 that requires consideration of 1 or more financial cir-
14 cumstances of an individual, for the purposes of deter-
15 mining eligibility to receive, or the amount of, any assist-
16 ance or benefit authorized by such provision to be provided
17 to or for the benefit of such individual, an amount equal
18 to the sum of—

19 (1) all contributions by an eligible individual
20 (including earnings thereon) to any Individual Devel-
21 opment Account; plus

22 (2) the matching deposits made on behalf of
23 such individual (including earnings thereon) in any
24 parallel account,

1 shall be disregarded for such purpose with respect to any
 2 period during which the individual participates in a quali-
 3 fied individual development account program established
 4 under section 152.

5 **SEC. 160. MATCHING FUNDS FOR INDIVIDUAL DEVELOP-**
 6 **MENT ACCOUNTS PROVIDED THROUGH A TAX**
 7 **CREDIT FOR QUALIFIED FINANCIAL INSTITU-**
 8 **TIONS.**

9 (a) IN GENERAL.—Subpart B of part IV of sub-
 10 chapter A of chapter 1 (relating to other credits) is
 11 amended by inserting after section 30A the following new
 12 section:

13 **“SEC. 30B. INDIVIDUAL DEVELOPMENT ACCOUNT INVEST-**
 14 **MENT CREDIT FOR QUALIFIED FINANCIAL IN-**
 15 **STITUTIONS.**

16 “(a) DETERMINATION OF AMOUNT.—There shall be
 17 allowed as a credit against the applicable tax for the tax-
 18 able year an amount equal to the individual development
 19 account investment provided by a qualified financial insti-
 20 tution during the taxable year under an individual develop-
 21 ment account program established under section 152 of
 22 the Community Renewal and New Markets Act of 2000.

23 “(b) APPLICABLE TAX.—For the purposes of this
 24 section, the term ‘applicable tax’ means the excess (if any)
 25 of—

1 “(1) the tax imposed under this chapter (other
2 than the taxes imposed under the provisions de-
3 scribed in subparagraphs (C) through (Q) of section
4 26(b)(2)), over

5 “(2) the credits allowable under subpart B
6 (other than this section) and subpart D of this part.

7 “(c) INDIVIDUAL DEVELOPMENT ACCOUNT INVEST-
8 MENT.—For purposes of this section, the term ‘individual
9 development account investment’ means, with respect to
10 an individual development account program of a qualified
11 financial institution in any taxable year, an amount equal
12 to the sum of—

13 “(1) 90 percent of the aggregate amount of dol-
14 lar-for-dollar matches under such program by such
15 institution under section 155(b)(1)(A) of the Com-
16 munity Renewal and New Markets Act of 2000 for
17 such taxable year, plus

18 “(2) an amount equal to the sum of the costs
19 incurred, directly or indirectly, with respect to each
20 Individual Development Account opened after the
21 date of the enactment of this section, not to exceed
22 \$100 per Account.

23 “(d) OTHER DEFINITIONS.—For purposes of this
24 section, the terms ‘Individual Development Account’ and
25 ‘qualified financial institution’ have the meanings given

1 such terms by section 151 of the Community Renewal and
2 New Markets Act of 2000.

3 “(e) REGULATIONS.—The Secretary may prescribe
4 such regulations as may be necessary or appropriate to
5 carry out this section, including regulations providing for
6 a recapture of the credit allowed under this section in
7 cases where there is a forfeiture under section 156(b) of
8 the Community Renewal and New Markets Act of 2000
9 in a subsequent taxable year of any amount which was
10 taken into account in determining the amount of such
11 credit.

12 “(f) TERMINATION.—This section shall not apply to
13 any taxable year beginning after December 31, 2005.”.

14 (b) CONFORMING AMENDMENT.—The table of sec-
15 tions for subpart B of part IV of subchapter A of chapter
16 1 is amended by inserting after the item relating to section
17 30A the following new item:

“Sec. 30B. Individual development account investment credit for qualified finan-
cial institutions.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to taxable years beginning after
20 December 31, 2001.

1 **SEC. 161. DESIGNATION OF EARNED INCOME TAX CREDIT**
2 **PAYMENTS FOR DEPOSIT TO INDIVIDUAL DE-**
3 **VELOPMENT ACCOUNTS.**

4 (a) IN GENERAL.—Section 32 (relating to earned in-
5 come credit) is amended by adding at the end the following
6 new subsection:

7 “(o) DESIGNATION OF CREDIT FOR DEPOSIT TO IN-
8 DIVIDUAL DEVELOPMENT ACCOUNT.—

9 “(1) IN GENERAL.—With respect to the return
10 of any eligible individual (as defined in section
11 151(1) of the Community Renewal and New Mar-
12 kets Act of 2000) for the taxable year of the tax im-
13 posed by this chapter, such individual may designate
14 that a specified portion (not less than \$1) of any
15 overpayment of tax for such taxable year which is
16 attributable to the credit allowed under this section
17 shall be deposited by the Secretary into an Indi-
18 vidual Development Account (as defined in section
19 151(2) of such Act) of such individual. The Sec-
20 retary shall so deposit such portion designated under
21 this paragraph.

22 “(2) MANNER AND TIME OF DESIGNATION.—A
23 designation under paragraph (1) may be made with
24 respect to any taxable year—

1 “(A) at the time of filing the return of the
2 tax imposed by this chapter for such taxable
3 year, or

4 “(B) at any other time (after the time of
5 filing the return of the tax imposed by this
6 chapter for such taxable year) specified in regu-
7 lations prescribed by the Secretary.

8 Such designation shall be made in such manner as
9 the Secretary prescribes by regulations.

10 “(3) PORTION ATTRIBUTABLE TO EARNED IN-
11 COME TAX CREDIT.—For purposes of paragraph (1),
12 an overpayment for any taxable year shall be treated
13 as attributable to the credit allowed under this sec-
14 tion for such taxable year to the extent that such
15 overpayment does not exceed the credit so allowed.

16 “(4) OVERPAYMENTS TREATED AS RE-
17 FUNDED.—For purposes of this title, any portion of
18 an overpayment of tax designated under paragraph
19 (1) shall be treated as being refunded to the tax-
20 payer as of the last date prescribed for filing the re-
21 turn of tax imposed by this chapter (determined
22 without regard to extensions) or, if later, the date
23 the return is filed.

1 “(5) TERMINATION.—This subsection shall not
2 apply to any taxable year beginning after December
3 31, 2005.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply to taxable years beginning after
6 December 31, 2001.

7 **Subtitle G—Additional Incentives**

8 **SEC. 171. EXCLUSION OF CERTAIN AMOUNTS RECEIVED** 9 **UNDER THE NATIONAL HEALTH SERVICE** 10 **CORPS SCHOLARSHIP PROGRAM AND THE F.** 11 **EDWARD HEBERT ARMED FORCES HEALTH** 12 **PROFESSIONS SCHOLARSHIP AND FINANCIAL** 13 **ASSISTANCE PROGRAM.**

14 (a) IN GENERAL.—Section 117(c) (relating to the ex-
15 clusion from gross income amounts received as a qualified
16 scholarship) is amended—

17 (1) by striking “Subsections (a)” and inserting
18 the following:

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), subsections (a)”, and

21 (2) by adding at the end the following new
22 paragraph:

23 “(2) EXCEPTIONS.—Paragraph (1) shall not
24 apply to any amount received by an individual
25 under—

1 “(A) the National Health Service Corps
2 Scholarship Program under section
3 338A(g)(1)(A) of the Public Health Service
4 Act, or

5 “(B) the Armed Forces Health Professions
6 Scholarship and Financial Assistance program
7 under subchapter I of chapter 105 of title 10,
8 United States Code.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply to amounts received in taxable
11 years beginning after December 31, 1993.

12 **SEC. 172. EXTENSION OF ENHANCED DEDUCTION FOR COR-**
13 **PORATE DONATIONS OF COMPUTER TECH-**
14 **NOLOGY.**

15 (a) EXPANSION OF COMPUTER TECHNOLOGY DONA-
16 TIONS TO PUBLIC LIBRARIES.—

17 (1) IN GENERAL.—Paragraph (6) of section
18 170(e) (relating to special rule for contributions of
19 computer technology and equipment for elementary
20 or secondary school purposes) is amended by strik-
21 ing “qualified elementary or secondary educational
22 contribution” each place it occurs in the headings
23 and text and inserting “qualified computer contribu-
24 tion”.

1 (2) EXPANSION OF ELIGIBLE DONEES.—Clause
2 (i) of section 170(e)(6)(B) (relating to qualified ele-
3 mentary or secondary educational contribution) is
4 amended by striking “or” at the end of subclause
5 (I), by adding “or” at the end of subclause (II), and
6 by inserting after subclause (II) the following new
7 subclause:

8 “(III) a public library (within the
9 meaning of section 213(2)(A) of the
10 Library Services and Technology Act
11 (20 U.S.C. 9122(2)(A)), as in effect
12 on the date of the enactment of the
13 Community Renewal and New Mar-
14 kets Act of 2000, established and
15 maintained by an entity described in
16 subsection (c)(1),”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) Section 170(e)(6)(B)(iv) is amended by
19 striking “in any grades of the K–12”.

20 (2) The heading of paragraph (6) of section
21 170(e) is amended by striking “ELEMENTARY OR
22 SECONDARY SCHOOL PURPOSES” and inserting
23 “EDUCATIONAL PURPOSES”.

24 (c) EXTENSION OF DEDUCTION.—Section
25 170(e)(6)(F) (relating to termination) is amended by

1 striking “December 31, 2000” and inserting “December
2 31, 2003”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to contributions made on and after
5 the date of the enactment of this Act.

6 **SEC. 173. EXTENSION OF ADOPTION TAX CREDIT.**

7 Section 23(d)(2)(B) (defining eligible child) is
8 amended by striking “2001” and inserting “2003”.

9 **SEC. 174. TAX TREATMENT OF ALASKA NATIVE SETTLE-**
10 **MENT TRUSTS.**

11 (a) **TREATMENT OF ALASKA NATIVE SETTLEMENT**
12 **TRUSTS.**—Subpart A of part I of subchapter J of chapter
13 1 (relating to general rules for taxation of trusts and es-
14 tates) is amended by adding at the end the following new
15 section:

16 **“SEC. 646. TAX TREATMENT OF ALASKA NATIVE SETTLE-**
17 **MENT TRUSTS.**

18 “(a) **IN GENERAL.**—Except as otherwise provided in
19 this section, the provisions of this subchapter and section
20 1(e) shall apply to all Settlement Trusts.

21 “(b) **TAXATION OF INCOME OF TRUST.**—Except as
22 provided in subsection (f)(1)(B)(ii)—

23 “(1) **IN GENERAL.**—The amount of tax imposed
24 on an electing Settlement Trust under section 1(e)
25 shall be determined using the rate of 15 percent.

1 “(2) CAPITAL GAIN.—In the case of an electing
2 Settlement Trust with a net capital gain for the tax-
3 able year, a tax is imposed on such gain at the rate
4 of tax which would apply to such gain if the tax-
5 payer were subject to a tax on ordinary income at
6 a rate of 15 percent.

7 “(c) ONE TIME ELECTION.—

8 “(1) IN GENERAL.—A Settlement Trust may
9 elect to have the provisions of this section apply to
10 the trust and its beneficiaries.

11 “(2) TIME AND METHOD OF ELECTION.—An
12 election under paragraph (1) shall be made by the
13 trustee of such trust—

14 “(A) on or before the due date (including
15 extensions) for filing the Settlement Trust’s re-
16 turn of tax for the first taxable year of such
17 trust ending after the date of the enactment of
18 this section, and

19 “(B) by attaching to such return of tax a
20 statement specifically providing for such elec-
21 tion.

22 “(3) PERIOD ELECTION IN EFFECT.—Except as
23 provided in subsection (f), an election under this
24 subsection—

1 “(A) shall apply to the first taxable year
2 described in paragraph (2)(A) and all subse-
3 quent taxable years, and

4 “(B) may not be revoked once it is made.

5 “(d) CONTRIBUTIONS TO TRUST.—

6 “(1) BENEFICIARIES OF ELECTING TRUST NOT
7 TAXED ON CONTRIBUTIONS.—In the case of an
8 electing Settlement Trust, no amount shall be in-
9 cludible in gross income of a beneficiary of such
10 trust by reason of a contribution to such trust made
11 during the taxable year.

12 “(2) EARNINGS AND PROFITS.—The earnings
13 and profits of the sponsoring Native Corporation of
14 a Settlement Trust shall not be reduced on account
15 of any contribution to such Settlement Trust.

16 “(e) TAX TREATMENT OF DISTRIBUTIONS TO BENE-
17 FICIARIES.—Amounts distributed by an electing Settle-
18 ment Trust during any taxable year shall be considered
19 as having the following characteristics in the hands of the
20 recipient beneficiary:

21 “(1) First, as amounts excludable from gross
22 income for the taxable year to the extent of the tax-
23 able income of such trust for such taxable year (de-
24 creased by any income tax paid by the trust with re-

1 spect to the income) plus any amount excluded from
2 gross income of the trust under section 103.

3 “(2) Second, as amounts excludable from gross
4 income to the extent of the amount described in
5 paragraph (1) for all taxable years for which an elec-
6 tion was in effect under subsection (c) with respect
7 to the trust, and not previously taken into account
8 under paragraph (1).

9 “(3) Third, for purposes of this title other than
10 subsections (b) and (d) of section 301 and section
11 311(b), as amounts distributed by the sponsoring
12 Native Corporation with respect to its stock (within
13 the meaning of section 301(a)) during such taxable
14 year and taxable to the recipient beneficiary as
15 amounts described in section 301(c)(1), to the extent
16 of current and accumulated earnings and profits of
17 the sponsoring Native Corporation as of the close of
18 such taxable year after proper adjustment is made
19 for all distributions made by the sponsoring Native
20 Corporation during such taxable year.

21 “(4) Fourth, as amounts distributed by the
22 trust in excess of the distributable net income of
23 such trust for such taxable year.

24 “(f) SPECIAL RULES WHERE TRANSFER RESTRIC-
25 TIONS MODIFIED.—

1 “(1) TRANSFER OF BENEFICIAL INTERESTS.—
2 If, at any time, a beneficial interest in an electing
3 Settlement Trust may be disposed of to a person in
4 a manner which would not be permitted by section
5 7(h) of the Alaska Native Claims Settlement Act (43
6 U.S.C. 1606(h)) if the interest were Settlement
7 Common Stock—

8 “(A) no election may be made under sub-
9 section (c) with respect to such trust, and

10 “(B) if such an election is in effect as of
11 such time—

12 “(i) such election shall cease to apply
13 as of the first day of the taxable year in
14 which such disposition is first permitted,

15 “(ii) the provisions of this section
16 shall not apply to such trust for such tax-
17 able year and all taxable years thereafter,
18 and

19 “(iii) the distributable net income of
20 such trust shall be increased by the cur-
21 rent and accumulated earnings and profits
22 of the sponsoring Native Corporation as of
23 the close of such taxable year after proper
24 adjustment is made for all distributions

1 made by the sponsoring Native Corpora-
2 tion during such taxable year.

3 In no event shall the increase under clause (iii)
4 exceed the fair market value of the trust's as-
5 sets as of the date the beneficial interest of the
6 trust first becomes disposable. The earnings
7 and profits of the sponsoring Native Corpora-
8 tion shall be adjusted as of the last day of such
9 taxable year by the amount of earnings and
10 profits so included in the distributable net in-
11 come of the trust.

12 “(2) STOCK IN CORPORATION.—If—

13 “(A) the Settlement Common Stock in the
14 sponsoring Native Corporation may be disposed
15 of to a person in any manner not permitted by
16 section 7(h) of the Alaska Native Claims Settle-
17 ment Act (43 U.S.C. 1606(h)), and

18 “(B) at any time after such disposition of
19 stock is first permitted, such corporation trans-
20 fers assets to a Settlement Trust,

21 paragraph (1)(B) shall be applied to such trust on
22 and after the date of the transfer in the same man-
23 ner as if the trust permitted dispositions of bene-
24 ficial interests in the trust in a manner not per-
25 mitted by such section 7(h).

1 “(3) CERTAIN DISTRIBUTIONS.—For purposes
2 of this section, the surrender of an interest in a Na-
3 tive Corporation or an electing Settlement Trust in
4 order to accomplish the whole or partial redemption
5 of the interest of a shareholder or beneficiary in
6 such corporation or trust, or to accomplish the whole
7 or partial liquidation of such corporation or trust,
8 shall be deemed to be a disposition permitted by sec-
9 tion 7(h) of the Alaska Native Claims Settlement
10 Act (43 U.S.C. 1606(h)).

11 “(g) TAXABLE INCOME.—For purposes of this title,
12 the taxable income of an electing Settlement Trust shall
13 be determined under section 641(b) without regard to any
14 deduction under section 651 or 661.

15 “(h) DEFINITIONS.—For purposes of this section—

16 “(1) ELECTING SETTLEMENT TRUST.—The
17 term ‘electing Settlement Trust’ means a Settlement
18 Trust which has made the election, effective for the
19 taxable year, described in subsection (c).

20 “(2) NATIVE CORPORATION.—The term ‘Native
21 Corporation’ has the meaning given such term by
22 section 3(m) of the Alaska Native Claims Settlement
23 Act (43 U.S.C. 1602(m)).

24 “(3) SETTLEMENT COMMON STOCK.—The term
25 ‘Settlement Common Stock’ has the meaning given

1 such term by section 3(p) of the Alaska Native
2 Claims Settlement Act (43 U.S.C. 1602(p)).

3 “(4) SETTLEMENT TRUST.—The term ‘Settle-
4 ment Trust’ has the meaning given such term by
5 section 3(t) of the Alaska Native Claims Settlement
6 Act (43 U.S.C. 1602(t)).

7 “(5) SPONSORING NATIVE CORPORATION.—The
8 term ‘sponsoring Native Corporation’ means the Na-
9 tive Corporation which transfers assets to an elect-
10 ing Settlement Trust.

11 “(i) CROSS REFERENCE.—

**“For information required with respect to electing
Settlement Trusts and sponsoring Native Corpora-
tions, see section 6039H.”**

12 (b) REPORTING.—Subpart A of part III of sub-
13 chapter A of chapter 61 of subtitle F (relating to informa-
14 tion concerning persons subject to special provisions) is
15 amended by inserting after section 6039G the following
16 new section:

17 **“SEC. 6039H. INFORMATION WITH RESPECT TO ALASKA NA-
18 TIVE SETTLEMENT TRUSTS AND SPON-
19 SORING NATIVE CORPORATIONS.**

20 “(a) REQUIREMENT.—The fiduciary of an electing
21 Settlement Trust (as defined in section 646(h)(1)) shall
22 include with the return of income of the trust a statement
23 containing the information required under subsection (c).

1 “(b) APPLICATION WITH OTHER REQUIREMENTS.—
2 The filing of any statement under this section shall be in
3 lieu of the reporting requirement under section 6034A to
4 furnish any statement to a beneficiary regarding amounts
5 distributed to such beneficiary (and such other reporting
6 requirements as the Secretary deems appropriate).

7 “(c) REQUIRED INFORMATION.—The information re-
8 quired under this subsection shall include—

9 “(1) the amount of distributions made during
10 the taxable year to each beneficiary,

11 “(2) the treatment of such distribution under
12 the applicable provision of section 646, including the
13 amount that is excludable from the recipient bene-
14 ficiary’s gross income under section 646, and

15 “(3) the amount (if any) of any distribution
16 during such year that is deemed to have been made
17 by the sponsoring Native Corporation (as defined in
18 section 646(h)(5)).

19 “(d) SPONSORING NATIVE CORPORATION.—

20 “(1) IN GENERAL.—The electing Settlement
21 Trust shall, on or before the date on which the
22 statement under subsection (a) is required to be
23 filed, furnish such statement to the sponsoring Na-
24 tive Corporation (as so defined).

1 “(2) DISTRIBUTTEES.—The sponsoring Native
2 Corporation shall furnish each recipient of a dis-
3 tribution described in section 646(e)(3) a statement
4 containing the amount deemed to have been distrib-
5 uted to such recipient by such corporation for the
6 taxable year.”.

7 (c) CLERICAL AMENDMENT.—

8 (1) The table of sections for subpart A of part
9 I of subchapter J of chapter 1 is amended by adding
10 at the end the following new item:

“Sec. 646. Electing Alaska Native Settlement Trusts.”.

11 (2) The table of sections for subpart A of part
12 III of subchapter A of chapter 61 of subtitle F is
13 amended by inserting after the item relating to sec-
14 tion 6039G the following new item:

“Sec. 6039H. Information with respect to Alaska Native Settle-
ment Trusts and sponsoring Native Corporations.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to taxable years ending after the
17 date of the enactment of this Act and to contributions
18 made to electing Settlement Trusts for such year or any
19 subsequent year.

20 **SEC. 175. TREATMENT OF INDIAN TRIBAL GOVERNMENTS**

21 **UNDER FEDERAL UNEMPLOYMENT TAX ACT.**

22 (a) IN GENERAL.—Section 3306(c)(7) (defining em-
23 ployment) is amended—

1 (1) by inserting “or in the employ of an Indian
2 tribe,” after “service performed in the employ of a
3 State, or any political subdivision thereof,”; and

4 (2) by inserting “or Indian tribes” after “whol-
5 ly owned by one or more States or political subdivi-
6 sions”.

7 (b) PAYMENTS IN LIEU OF CONTRIBUTIONS.—Sec-
8 tion 3309 (relating to State law coverage of services per-
9 formed for nonprofit organizations or governmental enti-
10 ties) is amended—

11 (1) in subsection (a)(2) by inserting “, includ-
12 ing an Indian tribe,” after “the State law shall pro-
13 vide that a governmental entity”;

14 (2) in subsection (b)(3)(B) by inserting “, or of
15 an Indian tribe” after “of a State or political sub-
16 division thereof”;

17 (3) in subsection (b)(3)(E) by inserting “or
18 tribal” after “the State”; and

19 (4) in subsection (b)(5) by inserting “or of an
20 Indian tribe” after “an agency of a State or political
21 subdivision thereof”.

22 (c) STATE LAW COVERAGE.—Section 3309 (relating
23 to State law coverage of services performed for nonprofit
24 organizations or governmental entities) is amended by
25 adding at the end the following new subsection:

1 “(d) ELECTION BY INDIAN TRIBE.—The State law
2 shall provide that an Indian tribe may make contributions
3 for employment as if the employment is within the mean-
4 ing of section 3306 or make payments in lieu of contribu-
5 tions under this section, and shall provide that an Indian
6 tribe may make separate elections for itself and each sub-
7 division, subsidiary, or business enterprise wholly owned
8 by such Indian tribe. State law may require a tribe to post
9 a payment bond or take other reasonable measures to as-
10 sure the making of payments in lieu of contributions under
11 this section. Notwithstanding the requirements of section
12 3306(a)(6), if, within 90 days of having received a notice
13 of delinquency, a tribe fails to make contributions, pay-
14 ments in lieu of contributions, or payment of penalties or
15 interest (at amounts or rates comparable to those applied
16 to all other employers covered under the State law) as-
17 sessed with respect to such failure, or if the tribe fails
18 to post a required payment bond, then service for the tribe
19 shall not be excepted from employment under section
20 3306(c)(7) until any such failure is corrected. This sub-
21 section shall apply to an Indian tribe within the meaning
22 of section 4(e) of the Indian Self-Determination and Edu-
23 cation Assistance Act (25 U.S.C. 450b(e)).”.

1 (d) DEFINITIONS.—Section 3306 (relating to defini-
2 tions) is amended by adding at the end the following new
3 subsection:

4 “(u) INDIAN TRIBE.—For purposes of this chapter,
5 the term ‘Indian tribe’ has the meaning given to such term
6 by section 4(e) of the Indian Self-Determination and Edu-
7 cation Assistance Act (25 U.S.C. 450b(e)), and includes
8 any subdivision, subsidiary, or business enterprise wholly
9 owned by such an Indian tribe.”.

10 (e) EFFECTIVE DATE; TRANSITION RULE.—

11 (1) EFFECTIVE DATE.—The amendments made
12 by this section shall apply to service performed on
13 or after the date of the enactment of this Act.

14 (2) TRANSITION RULE.—For purposes of the
15 Federal Unemployment Tax Act, service performed
16 in the employ of an Indian tribe (as defined in sec-
17 tion 3306(u) of the Internal Revenue Code of 1986
18 (as added by this section)) shall not be treated as
19 employment (within the meaning of section 3306 of
20 such Code) if—

21 (A) it is service which is performed before
22 the date of the enactment of this Act and with
23 respect to which the tax imposed under the
24 Federal Unemployment Tax Act has not been
25 paid, and

1 (B) such Indian tribe reimburses a State
2 unemployment fund for unemployment benefits
3 paid for service attributable to such tribe for
4 such period.

5 **SEC. 176. INCREASE IN SOCIAL SERVICES BLOCK GRANT**
6 **FOR FY 2001.**

7 (a) IN GENERAL.—Section 2003(c) of the Social Se-
8 curity Act (42 U.S.C. 1397b(c)) is amended—

9 (1) in paragraph (10), by striking “and” at the
10 end;

11 (2) in paragraph (11), by striking “2001” and
12 inserting “2002”;

13 (3) by redesignating paragraph (11) (as so
14 amended) as paragraph (12); and

15 (4) by inserting after paragraph (10), the fol-
16 lowing new paragraph:

17 “(11) \$2,400,000,000 for the fiscal year 2001;
18 and”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) take effect October 1, 2000.

1 **TITLE II—TAX INCENTIVES FOR**
2 **AFFORDABLE HOUSING**
3 **Subtitle A—Low-Income Housing**
4 **Credit**

5 **SEC. 201. MODIFICATION OF STATE CEILING ON LOW-IN-**
6 **COME HOUSING CREDIT.**

7 (a) IN GENERAL.—Clauses (i) and (ii) of section
8 42(h)(3)(C) (relating to State housing credit ceiling) are
9 amended to read as follows:

10 “(i) the unused State housing credit
11 ceiling (if any) of such State for the pre-
12 ceding calendar year,

13 “(ii) the greater of—

14 “(I) \$1.75 multiplied by the
15 State population, or

16 “(II) \$2,000,000.”

17 (b) ADJUSTMENT OF STATE CEILING FOR IN-
18 CREASES IN COST-OF-LIVING.—Paragraph (3) of section
19 42(h) (relating to housing credit dollar amount for agen-
20 cies) is amended by adding at the end the following new
21 subparagraph:

22 “(H) COST-OF-LIVING ADJUSTMENT.—In
23 the case of a calendar year after 2001, each of
24 the dollar amounts contained in subparagraph

1 (C)(ii) shall be increased by an amount equal
2 to—

3 “(i) such dollar amount, multiplied by

4 “(ii) the cost-of-living adjustment de-
5 termined under section 1(f)(3) for such
6 calendar year by substituting ‘calendar
7 year 2000’ for ‘calendar year 1992’ in sub-
8 paragraph (B) thereof.

9 If any increase determined under the preceding
10 sentence is not a multiple of 5 cents (\$5,000 in
11 the case of the dollar amount in subparagraph
12 (C)(ii)(II)), such increase shall be rounded to
13 the nearest multiple thereof.”.

14 (c) CONFORMING AMENDMENTS.—

15 (1) Section 42(h)(3)(C), as amended by sub-
16 section (a), is amended—

17 (A) by striking “clause (ii)” in the matter
18 following clause (iv) and inserting “clause (i)”,
19 and

20 (B) by striking “clauses (i)” in the matter
21 following clause (iv) and inserting “clauses
22 (ii)”.

23 (2) Section 42(h)(3)(D)(ii) is amended—

24 (A) by striking “subparagraph (C)(ii)” and
25 inserting “subparagraph (C)(i)”, and

1 (B) by striking “clauses (i)” in subclause
 2 (II) and inserting “clauses (ii)”.

3 (d) EFFECTIVE DATE.—The amendments made by
 4 this section shall apply to calendar years after 2000.

5 **SEC. 202. MODIFICATION TO RULES RELATING TO BASIS OF**
 6 **BUILDING WHICH IS ELIGIBLE FOR CREDIT.**

7 (a) CERTAIN NATIVE AMERICAN HOUSING ASSIST-
 8 ANCE DISREGARDED IN DETERMINING WHETHER BUILD-
 9 ING IS FEDERALLY SUBSIDIZED FOR PURPOSES OF THE
 10 LOW-INCOME HOUSING CREDIT.—Subparagraph (E) of
 11 section 42(i)(2) (relating to determination of whether
 12 building is federally subsidized) is amended—

13 (1) in clause (i), by inserting “or the Native
 14 American Housing Assistance and Self-Determina-
 15 tion Act of 1996 (25 U.S.C. 4101 et seq.) (as in ef-
 16 fect on October 1, 1997)” after “this subpara-
 17 graph)”, and

18 (2) in the subparagraph heading, by inserting
 19 “OR NATIVE AMERICAN HOUSING ASSISTANCE” after
 20 “HOME ASSISTANCE”.

21 (b) EFFECTIVE DATE.—The amendments made by
 22 this section shall apply to—

23 (1) housing credit dollar amounts allocated
 24 after December 31, 2000, and

1 (2) buildings placed in service after such date
 2 to the extent paragraph (1) of section 42(h) of the
 3 Internal Revenue Code of 1986 does not apply to
 4 any building by reason of paragraph (4) thereof, but
 5 only with respect to bonds issued after such date.

6 **Subtitle B—Historic Homes**

7 **SEC. 211. TAX CREDIT FOR RENOVATING HISTORIC HOMES.**

8 (a) IN GENERAL.—Subpart A of part IV of sub-
 9 chapter A of chapter 1 (relating to nonrefundable personal
 10 credits) is amended by inserting after section 25A the fol-
 11 lowing new section:

12 **“SEC. 25B. HISTORIC HOMEOWNERSHIP REHABILITATION** 13 **CREDIT.**

14 “(a) GENERAL RULE.—In the case of an individual,
 15 there shall be allowed as a credit against the tax imposed
 16 by this chapter for the taxable year an amount equal to
 17 20 percent of the qualified rehabilitation expenditures
 18 made by the taxpayer with respect to a qualified historic
 19 home.

20 “(b) DOLLAR LIMITATION.—The credit allowed by
 21 subsection (a) with respect to any residence of a taxpayer
 22 shall not exceed \$20,000 (\$10,000 in the case of a married
 23 individual filing a separate return).

24 “(c) CARRYFORWARD OF CREDIT UNUSED BY REA-
 25 SON OF LIMITATION BASED ON TAX LIABILITY.—If the

1 credit allowable under subsection (a) for any taxable year
2 exceeds the limitation imposed by section 26(a) for such
3 taxable year reduced by the sum of the credits allowable
4 under this subpart (other than this section), such excess
5 shall be carried to the succeeding taxable year (but not
6 for more than 10 taxable years succeeding the first taxable
7 year in which the credit under this section is allowed to
8 the taxpayer) and added to the credit allowable under sub-
9 section (a) for such succeeding taxable year.

10 “(d) QUALIFIED REHABILITATION EXPENDITURE.—

11 For purposes of this section—

12 “(1) IN GENERAL.—The term ‘qualified reha-
13 bilitation expenditure’ means any amount properly
14 chargeable to capital account—

15 “(A) in connection with the certified reha-
16 bilitation of a qualified historic home, and

17 “(B) for property for which depreciation
18 would be allowable under section 168 if the
19 qualified historic home were used in a trade or
20 business.

21 “(2) CERTAIN EXPENDITURES NOT IN-
22 CLUDED.—

23 “(A) EXTERIOR.—Such term shall not in-
24 clude any expenditure in connection with the re-
25 habilitation of a building unless at least 5 per-

1 cent of the total expenditures made in the reha-
2 bilitation process are allocable to the rehabilita-
3 tion of the exterior of such building.

4 “(B) OTHER RULES TO APPLY.—Rules
5 similar to the rules of clauses (ii) and (iii) of
6 section 47(c)(2)(B) shall apply.

7 “(3) MIXED USE OR MULTIFAMILY BUILDING.—
8 If only a portion of a building is used as the prin-
9 cipal residence of the taxpayer, only qualified reha-
10 bilitation expenditures which are properly allocable
11 to such portion shall be taken into account under
12 this section.

13 “(e) CERTIFIED REHABILITATION.—For purposes of
14 this section—

15 “(1) IN GENERAL.—Except as otherwise pro-
16 vided in this subsection, the term ‘certified rehabili-
17 tation’ has the meaning given such term by section
18 47(c)(2)(C).

19 “(2) FACTORS TO BE CONSIDERED IN THE
20 CASE OF TARGETED AREA RESIDENCES, ETC.—

21 “(A) IN GENERAL.—For purposes of ap-
22 plying section 47(c)(2)(C) under this section
23 with respect to the rehabilitation of a building
24 to which this paragraph applies, consideration
25 shall be given to—

1 “(i) the feasibility of preserving exist-
2 ing architectural and design elements of
3 the interior of such building,

4 “(ii) the risk of further deterioration
5 or demolition of such building in the event
6 that certification is denied because of the
7 failure to preserve such interior elements,
8 and

9 “(iii) the effects of such deterioration
10 or demolition on neighboring historic prop-
11 erties.

12 “(B) BUILDINGS TO WHICH THIS PARA-
13 GRAPH APPLIES.—This paragraph shall apply
14 with respect to any building—

15 “(i) any part of which is a targeted
16 area residence within the meaning of sec-
17 tion 143(j)(1), or

18 “(ii) which is located within an enter-
19 prise community or empowerment zone as
20 designated under section 1391,

21 but shall not apply with respect to any building
22 which is listed in the National Register.

23 “(3) APPROVED STATE PROGRAM.—The term
24 ‘certified rehabilitation’ includes a certification made
25 by—

1 “(A) a State Historic Preservation Officer
2 who administers a State Historic Preservation
3 Program approved by the Secretary of the Inte-
4 rior pursuant to section 101(b)(1) of the Na-
5 tional Historic Preservation Act, as in effect on
6 July 21, 1999, or

7 “(B) a local government, certified pursuant
8 to section 101(c)(1) of the National Historic
9 Preservation Act, as in effect on July 21, 1999,
10 and authorized by a State Historic Preservation
11 Officer, or the Secretary of the Interior where
12 there is no approved State program),

13 subject to such terms and conditions as may be
14 specified by the Secretary of the Interior for the re-
15 habilitation of buildings within the jurisdiction of
16 such officer (or local government) for purposes of
17 this section.

18 “(f) DEFINITIONS AND SPECIAL RULES.—For pur-
19 poses of this section—

20 “(1) QUALIFIED HISTORIC HOME.—The term
21 ‘qualified historic home’ means a certified historic
22 structure—

23 “(A) which has been substantially rehabili-
24 tated, and

25 “(B) which (or any portion of which)—

1 “(i) is owned by the taxpayer, and

2 “(ii) is used (or will, within a reason-
3 able period, be used) by such taxpayer as
4 his principal residence.

5 “(2) SUBSTANTIALLY REHABILITATED.—The
6 term ‘substantially rehabilitated’ has the meaning
7 given such term by section 47(c)(1)(C); except that,
8 in the case of any building described in subsection
9 (e)(2), clause (i)(I) thereof shall not apply.

10 “(3) PRINCIPAL RESIDENCE.—The term ‘prin-
11 cipal residence’ has the same meaning as when used
12 in section 121.

13 “(4) CERTIFIED HISTORIC STRUCTURE.—

14 “(A) IN GENERAL.—The term ‘certified
15 historic structure’ means any building (and its
16 structural components) which—

17 “(i) is listed in the National Register,
18 or

19 “(ii) is located in a registered historic
20 district (as defined in section 47(c)(3)(B))
21 within which only qualified census tracts
22 (or portions thereof) are located, and is
23 certified by the Secretary of the Interior to
24 the Secretary as being of historic signifi-
25 cance to the district.

1 “(B) CERTAIN STRUCTURES INCLUDED.—
2 Such term includes any building (and its struc-
3 tural components) which is designated as being
4 of historic significance under a statute of a
5 State or local government, if such statute is
6 certified by the Secretary of the Interior to the
7 Secretary as containing criteria which will sub-
8 stantially achieve the purpose of preserving and
9 rehabilitating buildings of historic significance.

10 “(C) QUALIFIED CENSUS TRACTS.—For
11 purposes of subparagraph (A)(ii)—

12 “(i) IN GENERAL.—The term ‘quali-
13 fied census tract’ means a census tract in
14 which the median family income is less
15 than twice the statewide median family in-
16 come.

17 “(ii) DATA USED.—The determination
18 under clause (i) shall be made on the basis
19 of the most recent decennial census for
20 which data are available.

21 “(5) REHABILITATION NOT COMPLETE BEFORE
22 CERTIFICATION.—A rehabilitation shall not be treat-
23 ed as complete before the date of the certification re-
24 ferred to in subsection (e).

1 “(6) LESSEES.—A taxpayer who leases his
2 principal residence shall, for purposes of this section,
3 be treated as the owner thereof if the remaining
4 term of the lease (as of the date determined under
5 regulations prescribed by the Secretary) is not less
6 than such minimum period as the regulations re-
7 quire.

8 “(7) TENANT-STOCKHOLDER IN COOPERATIVE
9 HOUSING CORPORATION.—If the taxpayer holds
10 stock as a tenant-stockholder (as defined in section
11 216) in a cooperative housing corporation (as de-
12 fined in such section), such stockholder shall be
13 treated as owning the house or apartment which the
14 taxpayer is entitled to occupy as such stockholder.

15 “(8) ALLOCATION OF EXPENDITURES RELAT-
16 ING TO EXTERIOR OF BUILDING CONTAINING COOP-
17 ERATIVE OR CONDOMINIUM UNITS.—The percentage
18 of the total expenditures made in the rehabilitation
19 of a building containing cooperative or condominium
20 residential units allocated to the rehabilitation of the
21 exterior of the building shall be attributed propor-
22 tionately to each cooperative or condominium resi-
23 dential unit in such building for which a credit
24 under this section is claimed.

1 “(g) WHEN EXPENDITURES TAKEN INTO AC-
2 COUNT.—In the case of a building other than a building
3 to which subsection (h) applies, qualified rehabilitation ex-
4 penditures shall be treated for purposes of this section as
5 made on the date the rehabilitation is completed.

6 “(h) ALLOWANCE OF CREDIT FOR PURCHASE OF RE-
7 HABILITATED HISTORIC HOME.—

8 “(1) IN GENERAL.—In the case of a qualified
9 purchased historic home, the taxpayer shall be treat-
10 ed as having made (on the date of purchase) the
11 qualified rehabilitation expenditures made by the
12 seller of such home. For purposes of the preceding
13 sentence, expenditures made by the seller shall be
14 deemed to be qualified rehabilitation expenditures if
15 such expenditures, if made by the purchaser, would
16 be qualified rehabilitation expenditures.

17 “(2) QUALIFIED PURCHASED HISTORIC
18 HOME.—For purposes of this subsection, the term
19 ‘qualified purchased historic home’ means any sub-
20 stantially rehabilitated certified historic structure
21 purchased by the taxpayer if—

22 “(A) the taxpayer is the first purchaser of
23 such structure after the date rehabilitation is
24 completed, and the purchase occurs within 5
25 years after such date,

1 “(B) the structure (or a portion thereof)
2 will, within a reasonable period, be the principal
3 residence of the taxpayer,

4 “(C) no credit was allowed to the seller
5 under this section or section 47 with respect to
6 such rehabilitation, and

7 “(D) the taxpayer is furnished with such
8 information as the Secretary determines is nec-
9 essary to determine the credit under this sub-
10 section.

11 “(i) HISTORIC REHABILITATION MORTGAGE CREDIT
12 CERTIFICATE.—

13 “(1) IN GENERAL.—The taxpayer may elect, in
14 lieu of the credit otherwise allowable under this sec-
15 tion, to receive a historic rehabilitation mortgage
16 credit certificate. An election under this paragraph
17 shall be made—

18 “(A) in the case of a building to which
19 subsection (h) applies, at the time of purchase,
20 or

21 “(B) in any other case, at the time reha-
22 bilitation is completed.

23 “(2) HISTORIC REHABILITATION MORTGAGE
24 CREDIT CERTIFICATE.—For purposes of this sub-

1 section, the term ‘historic rehabilitation mortgage
2 credit certificate’ means a certificate—

3 “(A) issued to the taxpayer, in accordance
4 with procedures prescribed by the Secretary,
5 with respect to a certified rehabilitation,

6 “(B) the face amount of which shall be
7 equal to the credit which would (but for this
8 subsection) be allowable under subsection (a) to
9 the taxpayer with respect to such rehabilitation,

10 “(C) which may only be transferred by the
11 taxpayer to a lending institution (including a
12 non-depository institution) in connection with a
13 loan—

14 “(i) that is secured by the building
15 with respect to which the credit relates,
16 and

17 “(ii) the proceeds of which may not be
18 used for any purpose other than the acqui-
19 sition or rehabilitation of such building,
20 and

21 “(D) in exchange for which such lending
22 institution provides the taxpayer—

23 “(i) a reduction in the rate of interest
24 on the loan which results in interest pay-
25 ment reductions which are substantially

1 equivalent on a present value basis to the
2 face amount of such certificate, or

3 “(ii) if the taxpayer so elects with re-
4 spect to a specified amount of the face
5 amount of such a certificate relating to a
6 building—

7 “(I) which is a targeted area res-
8 idence within the meaning of section
9 143(j)(1), or

10 “(II) which is located in an en-
11 terprise community or empowerment
12 zone as designated under section
13 1391,

14 a payment which is substantially equivalent
15 to such specified amount to be used to re-
16 duce the taxpayer’s cost of purchasing the
17 building (and only the remainder of such
18 face amount shall be taken into account
19 under clause (i)).

20 “(3) METHOD OF DISCOUNTING.—The present
21 value under paragraph (2)(D)(i) shall be
22 determined—

23 “(A) for a period equal to the term of the
24 loan referred to in subparagraph (D)(i),

1 “(B) by using the convention that any pay-
2 ment on such loan in any taxable year within
3 such period is deemed to have been made on
4 the last day of such taxable year,

5 “(C) by using a discount rate equal to 65
6 percent of the average of the annual Federal
7 mid-term rate and the annual Federal long-
8 term rate applicable under section 1274(d)(1)
9 to the month in which the taxpayer makes an
10 election under paragraph (1) and compounded
11 annually, and

12 “(D) by assuming that the credit allowable
13 under this section for any year is received on
14 the last day of such year.

15 “(4) USE OF CERTIFICATE BY LENDER.—The
16 amount of the credit specified in the certificate shall
17 be allowed to the lender only to offset the regular
18 tax (as defined in section 55(c)) of such lender. The
19 lender may carry forward all unused amounts under
20 this subsection until exhausted.

21 “(5) HISTORIC REHABILITATION MORTGAGE
22 CREDIT CERTIFICATE NOT TREATED AS TAXABLE IN-
23 COME.—Notwithstanding any other provision of law,
24 no benefit accruing to the taxpayer through the use
25 of an historic rehabilitation mortgage credit certifi-

1 cate shall be treated as taxable income for purposes
2 of this title.

3 “(j) RECAPTURE.—

4 “(1) IN GENERAL.—If, before the end of the 5-
5 year period beginning on the date on which the reha-
6 bilitation of the building is completed (or, if sub-
7 section (h) applies, the date of purchase of such
8 building by the taxpayer, or, if subsection (i) applies,
9 the date of the loan)—

10 “(A) the taxpayer disposes of such tax-
11 payer’s interest in such building, or

12 “(B) such building ceases to be used as the
13 principal residence of the taxpayer,

14 the taxpayer’s tax imposed by this chapter for the
15 taxable year in which such disposition or cessation
16 occurs shall be increased by the recapture percent-
17 age of the credit allowed under this section for all
18 prior taxable years with respect to such rehabilita-
19 tion.

20 “(2) RECAPTURE PERCENTAGE.—For purposes
21 of paragraph (1), the recapture percentage shall be
22 determined in accordance with the following table:

**“If the disposition or ces- The recapture percentage is—
sation occurs within—**

- | | |
|---------------------------------------------------------------------------|-----|
| (i) One full year after the taxpayer becomes entitled to the credit. | 100 |
| (ii) One full year after the close of the period described in clause (i). | 80 |

**“If the disposition or ces- The recapture percentage is—
sation occurs within—**

- | | |
|-----------------------------------------------------------------------------|-----|
| (iii) One full year after the close of the period described in clause (ii). | 60 |
| (iv) One full year after the close of the period described in clause (iii). | 40 |
| (v) One full year after the close of the period described in clause (iv). | 20. |

1 “(k) BASIS ADJUSTMENTS.—For purposes of this
2 subtitle, if a credit is allowed under this section for any
3 expenditure with respect to any property (including any
4 purchase under subsection (h) and any transfer under
5 subsection (i)), the increase in the basis of such property
6 which would (but for this subsection) result from such ex-
7 penditure shall be reduced by the amount of the credit
8 so allowed.

9 “(l) DENIAL OF DOUBLE BENEFIT.—No credit shall
10 be allowed under this section for any amount for which
11 credit is allowed under section 47.

12 “(m) REGULATIONS.—The Secretary shall prescribe
13 such regulations as may be appropriate to carry out the
14 purposes of this section, including regulations where less
15 than all of a building is used as a principal residence and
16 where more than 1 taxpayer use the same dwelling unit
17 as their principal residence.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 23(e) is amended by striking “sec-
20 tion 1400C” and inserting “sections 25B and
21 1400C”.

1 (2) Section 25(e)(1)(C) is amended by striking
2 “23” and inserting “23, 25B,”.

3 (3) Section 1016(a) is amended by striking
4 “and” at the end of paragraph (26), by striking the
5 period at the end of paragraph (27) and inserting “,
6 and”, and by adding at the end the following new
7 item:

8 “(28) to the extent provided in section
9 25B(k).”.

10 (4) Section 1400C(d) is amended by inserting
11 “and section 25B” after “this section”.

12 (c) CLERICAL AMENDMENT.—The table of sections
13 for subpart A of part IV of subchapter A of chapter 1
14 is amended by inserting after the item relating to section
15 25A the following new item:

“Sec. 25B. Historic homeownership rehabilitation credit.”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to expenses paid or incurred in
18 taxable years beginning after December 31, 2001.

19 **Subtitle C—Forgiven Mortgage** 20 **Obligations**

21 **SEC. 221. EXCLUSION FROM GROSS INCOME FOR CERTAIN** 22 **FORGIVEN MORTGAGE OBLIGATIONS.**

23 (a) IN GENERAL.—Paragraph (1) of section 108(a)
24 (relating to exclusion from gross income) is amended by
25 striking “or” at the end of both subparagraphs (A) and

1 (C), by striking the period at the end of subparagraph (D)
 2 and inserting “, or”, and by inserting after subparagraph
 3 (D) the following new subparagraph:

4 “(E) in the case of an individual, the in-
 5 debtedness discharged is qualified residential in-
 6 debtedness.”.

7 (b) QUALIFIED RESIDENTIAL INDEBTEDNESS
 8 SHORTFALL.—Section 108 (relating to discharge of in-
 9 debtedness) is amended by adding at the end the following
 10 new subsection:

11 “(h) QUALIFIED RESIDENTIAL INDEBTEDNESS.—

12 “(1) LIMITATIONS.—The amount excluded
 13 under subparagraph (E) of subsection (a)(1) with
 14 respect to any qualified residential indebtedness
 15 shall not exceed the excess (if any) of—

16 “(A) the outstanding principal amount of
 17 such indebtedness (immediately before the dis-
 18 charge), over

19 “(B) the sum of—

20 “(i) the amount realized from the sale
 21 of the real property securing such indebt-
 22 edness reduced by the cost of such sale,
 23 and

1 “(ii) the outstanding principal amount
2 of any other indebtedness secured by such
3 property.

4 “(2) QUALIFIED RESIDENTIAL INDEBTED-
5 NESS.—

6 “(A) IN GENERAL.—The term ‘qualified
7 residential indebtedness’ means indebtedness
8 which—

9 “(i) was incurred or assumed by the
10 taxpayer in connection with real property
11 used as the principal residence of the tax-
12 payer (within the meaning of section 121)
13 and is secured by such real property,

14 “(ii) is incurred or assumed to ac-
15 quire, construct, reconstruct, or substan-
16 tially improve such real property, and

17 “(iii) with respect to which such tax-
18 payer makes an election to have this para-
19 graph apply.

20 “(B) REFINANCED INDEBTEDNESS.—Such
21 term shall include indebtedness resulting from
22 the refinancing of indebtedness under subpara-
23 graph (A)(ii), but only to the extent the refi-
24 nanced indebtedness does not exceed the
25 amount of the indebtedness being refinanced.

1 “(C) EXCEPTIONS.—Such term shall not
2 include qualified farm indebtedness or qualified
3 real property business indebtedness.”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) Paragraph (2) of section 108(a) is
6 amended—

7 (A) by striking “and (D)” in subparagraph
8 (A) and inserting “(D), and (E)”, and

9 (B) by amending subparagraph (B) to read
10 as follows:

11 “(B) INSOLVENCY EXCLUSION TAKES
12 PRECEDENCE OVER QUALIFIED FARM EXCLU-
13 SION; QUALIFIED REAL PROPERTY BUSINESS
14 EXCLUSION; AND QUALIFIED RESIDENTIAL
15 SHORTFALL EXCLUSION.—Subparagraphs (C),
16 (D), and (E) of paragraph (1) shall not apply
17 to a discharge to the extent the taxpayer is in-
18 solvent.”.

19 (2) Paragraph (1) of section 108(b) is amended
20 by striking “or (C)” and inserting “(C), or (E)”.

21 (3) Subsection (c) of section 121 is amended by
22 adding at the end the following new paragraph:

23 “(3) SPECIAL RULE RELATING TO DISCHARGE
24 OF INDEBTEDNESS.—The amount of gain which
25 (but for this paragraph) would be excluded from

1 gross income under subsection (a) with respect to a
 2 principal residence shall be reduced by the amount
 3 excluded from gross income under section
 4 108(a)(1)(E) with respect to such residence.”.

5 (d) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to discharges after the date of the
 7 enactment of this Act.

8 **Subtitle D—Mortgage Revenue**

9 **Bonds**

10 **SEC. 231. INCREASE IN PURCHASE PRICE LIMITATION**

11 **UNDER MORTGAGE SUBSIDY BOND RULES**

12 **BASED ON MEDIAN FAMILY INCOME.**

13 (a) IN GENERAL.—Paragraph (1) of section 143(e)
 14 (relating to purchase price requirement) is amended to
 15 read as follows:

16 “(1) IN GENERAL.—An issue meets the require-
 17 ments of this subsection only if the acquisition cost
 18 of each residence the owner-financing of which is
 19 provided under the issue does not exceed the greater
 20 of—

21 “(A) 90 percent of the average area pur-
 22 chase price applicable to the residence, or

23 “(B) 3.5 times the applicable median fam-
 24 ily income (as defined in subsection (f)(4)).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to obligations issued after the date
3 of the enactment of this Act.

4 **SEC. 232. MORTGAGE FINANCING FOR RESIDENCES LO-**
5 **CATED IN PRESIDENTIALLY DECLARED DIS-**
6 **ASTER AREAS.**

7 (a) IN GENERAL.—Paragraph (11) of section 143(k)
8 of the Internal Revenue Code of 1986 is amended to read
9 as follows:

10 “(11) SPECIAL RULES FOR RESIDENCES LO-
11 CATED IN DISASTER AREAS.—

12 “(A) HOME IMPROVEMENT LOANS FOR RE-
13 PAIRS.—In the case of financing provided by a
14 qualified home improvement loan for the repair
15 of damage to a residence located in a disaster
16 area which was sustained as a result of the
17 disaster—

18 “(i) the limitation under paragraph
19 (4) shall be increased (but not above
20 \$100,000) to the extent such loan is for
21 the repair of such damage, and

22 “(ii) subsection (f) (relating to income
23 requirement) shall be applied as if such
24 residence were a targeted area residence.

1 “(B) PURCHASE OF REPLACEMENT
2 HOME.—In the case of financing provided to ac-
3 quire a residence located in a disaster area by
4 mortgagors whose prior residence was in such
5 area and was destroyed or otherwise rendered
6 uninhabitable as a result of the disaster—

7 “(i) subsection (d) (relating to 3-year
8 requirement) shall not apply, and

9 “(ii) subsections (e) and (f) (relating
10 to purchase price requirement and income
11 requirement) shall be applied as if such
12 residence were a targeted area residence.

13 “(C) FINANCING MUST BE PROVIDED
14 WITHIN 2 YEARS AFTER DISASTER DECLARA-
15 TION.—This paragraph shall apply only to fi-
16 nancing provided within 2 years after the date
17 of the disaster declaration.

18 “(D) DISASTER AREA.—For purposes of
19 this paragraph, the term ‘disaster area’ means
20 an area determined by the President to warrant
21 assistance from the Federal Government under
22 the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act (as in effect on the
24 date of the enactment of the Taxpayer Relief
25 Act of 1997) and with respect to which the

1 Federal share of disaster payments exceeds 75
2 percent.

3 “(E) APPLICATION OF PARAGRAPH.—This
4 paragraph shall apply only with respect to
5 bonds issued after December 31, 2000.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply to bonds issued after December
8 31, 2000.

9 **Subtitle E—Property and Casualty** 10 **Insurance**

11 **SEC. 241. EXEMPTION FROM INCOME TAX FOR STATE-CRE-** 12 **ATED ORGANIZATIONS PROVIDING PROP-** 13 **ERTY AND CASUALTY INSURANCE FOR PROP-** 14 **ERTY FOR WHICH SUCH COVERAGE IS OTH-** 15 **ERWISE UNAVAILABLE.**

16 (a) IN GENERAL.—Subsection (c) of section 501 (re-
17 lating to exemption from tax on corporations, certain
18 trusts, etc.) is amended by adding at the end the following
19 new paragraph:

20 “(28)(A) Any association created before Janu-
21 ary 1, 1999, by State law and organized and oper-
22 ated exclusively to provide property and casualty in-
23 surance coverage for property located within the
24 State for which the State has determined that cov-

1 erage in the authorized insurance market is limited
2 or unavailable at reasonable rates, if—

3 “(i) no part of the net earnings of which
4 inures to the benefit of any private shareholder
5 or individual,

6 “(ii) except as provided in clause (v), no
7 part of the assets of which may be used for, or
8 diverted to, any purpose other than—

9 “(I) to satisfy, in whole or in part, the
10 liability of the association for, or with re-
11 spect to, claims made on policies written
12 by the association,

13 “(II) to invest in investments author-
14 ized by applicable law,

15 “(III) to pay reasonable and nec-
16 essary administration expenses in connec-
17 tion with the establishment and operation
18 of the association and the processing of
19 claims against the association, or

20 “(IV) to make remittances pursuant
21 to State law to be used by the State to
22 provide for the payment of claims on poli-
23 cies written by the association, purchase
24 reinsurance covering losses under such
25 policies, or to support governmental pro-

1 grams to prepare for or mitigate the ef-
2 fects of natural catastrophic events,

3 “(iii) the State law governing the associa-
4 tion permits the association to levy assessments
5 on insurance companies authorized to sell prop-
6 erty and casualty insurance in the State, or on
7 property and casualty insurance policyholders
8 with insurable interests in property located in
9 the State to fund deficits of the association, in-
10 cluding the creation of reserves,

11 “(iv) the plan of operation of the associa-
12 tion is subject to approval by the chief executive
13 officer or other official of the State, by the
14 State legislature, or both, and

15 “(v) the assets of the association revert
16 upon dissolution to the State, the State’s des-
17 ignee, or an entity designated by the State law
18 governing the association, or State law does not
19 permit the dissolution of the association.

20 “(B)(i) An entity described in clause (ii) shall
21 be disregarded as a separate entity and treated as
22 part of the association described in subparagraph
23 (A) from which it receives remittances described in
24 clause (ii) if an election is made within 30 days after

1 the date that such association is determined to be
2 exempt from tax.

3 “(ii) An entity is described in this clause if it
4 is an entity or fund created before January 1, 1999,
5 pursuant to State law and organized and operated
6 exclusively to receive, hold, and invest remittances
7 from an association described in subparagraph (A)
8 and exempt from tax under subsection (a), to make
9 disbursements to pay claims on insurance contracts
10 issued by such association, and to make disburse-
11 ments to support governmental programs to prepare
12 for or mitigate the effects of natural catastrophic
13 events.”.

14 (b) UNRELATED BUSINESS TAXABLE INCOME.—
15 Subsection (a) of section 512 (relating to unrelated busi-
16 ness taxable income) is amended by adding at the end the
17 following new paragraph:

18 “(6) SPECIAL RULE APPLICABLE TO ORGANIZA-
19 TIONS DESCRIBED IN SECTION 501(c)(28).—In the
20 case of an organization described in section
21 501(c)(28), the term ‘unrelated business taxable in-
22 come’ means taxable income for a taxable year com-
23 puted without the application of section 501(c)(28)
24 if at the end of the immediately preceding taxable
25 year the organization’s net equity exceeded 15 per-

1 cent of the total coverage in force under insurance
2 contracts issued by the organization and outstanding
3 at the end of such preceding year.”.

4 (c) TRANSITIONAL RULE.—No income or gain shall
5 be recognized by an association as a result of a change
6 in status to that of an association described by section
7 501(c)(28) of the Internal Revenue Code of 1986, as
8 amended by subsection (a).

9 (d) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply to taxable years beginning after
11 December 31, 2000.

12 **TITLE III—TAX INCENTIVES FOR**
13 **URBAN AND RURAL INFRA-**
14 **STRUCTURE**

15 **SEC. 301. INCREASE IN STATE CEILING ON PRIVATE ACTIV-**
16 **ITY BONDS.**

17 (a) IN GENERAL.—Paragraphs (1) and (2) of section
18 146(d) (relating to State ceiling) are amended to read as
19 follows:

20 “(1) IN GENERAL.—The State ceiling applicable
21 to any State for any calendar year shall be the
22 greater of—

23 “(A) an amount equal to \$75 multiplied by
24 the State population, or

25 “(B) \$225,000.000.

1 “(2) COST-OF-LIVING ADJUSTMENT.—In the
2 case of a calendar year after 2001, each of the dollar
3 amounts contained in paragraph (1) shall be in-
4 creased by an amount equal to—

5 “(A) such dollar amount, multiplied by

6 “(B) the cost-of-living adjustment deter-
7 mined under section 1(f)(3) for such calendar
8 year by substituting ‘calendar year 2000’ for
9 ‘calendar year 1992’ in subparagraph (B)
10 thereof.

11 If any increase determined under the preceding sen-
12 tence is not a multiple of \$5 (\$5,000 in the case of
13 the dollar amount in paragraph (1)(B)), such in-
14 crease shall be rounded to the nearest multiple
15 thereof.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 this section shall apply to calendar years after 2000.

18 **SEC. 302. MODIFICATIONS TO EXPENSING OF ENVIRON-**

19 **MENTAL REMEDIATION COSTS.**

20 (a) EXPENSING NOT LIMITED TO SITES IN TAR-
21 GETED AREAS.—Subsection (c) of section 198 is amended
22 to read as follows:

23 “(c) QUALIFIED CONTAMINATED SITE.—For pur-
24 poses of this section—

1 “(1) IN GENERAL.—The term ‘qualified con-
2 taminated site’ means any area—

3 “(A) which is held by the taxpayer for use
4 in a trade or business or for the production of
5 income, or which is property described in sec-
6 tion 1221(a)(1) in the hands of the taxpayer,
7 and

8 “(B) at or on which there has been a re-
9 lease (or threat of release) or disposal of any
10 hazardous substance.

11 “(2) NATIONAL PRIORITIES LISTED SITES NOT
12 INCLUDED.—Such term shall not include any site
13 which is on, or proposed for, the national priorities
14 list under section 105(a)(8)(B) of the Comprehen-
15 sive Environmental Response, Compensation, and
16 Liability Act of 1980 (as in effect on the date of the
17 enactment of this section).

18 “(3) TAXPAYER MUST RECEIVE STATEMENT
19 FROM STATE ENVIRONMENTAL AGENCY.—An area
20 shall be treated as a qualified contaminated site with
21 respect to expenditures paid or incurred during any
22 taxable year only if the taxpayer receives a state-
23 ment from the appropriate agency of the State in
24 which such area is located that such area meets the
25 requirement of paragraph (1)(B).

1 “(4) APPROPRIATE STATE AGENCY.—For pur-
2 poses of paragraph (3), the chief executive officer of
3 each State may, in consultation with the Adminis-
4 trator of the Environmental Protection Agency, des-
5 ignate the appropriate State environmental agency
6 within 60 days of the date of the enactment of this
7 section. If the chief executive officer of a State has
8 not designated an appropriate environmental agency
9 within such 60-day period, the appropriate environ-
10 mental agency for such State shall be designated by
11 the Administrator of the Environmental Protection
12 Agency.”.

13 (b) EXTENSION OF TERMINATION DATE.—Sub-
14 section (h) of section 198 is amended by striking “2001”
15 and inserting “2003”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to expenditures paid or incurred
18 after the date of the enactment of this Act.

19 **SEC. 303. BROADBAND INTERNET ACCESS TAX CREDIT.**

20 (a) IN GENERAL.—Subpart E of part IV of chapter
21 1 (relating to rules for computing investment credit) is
22 amended by inserting after section 48 the following new
23 section:

1 **“SEC. 48A. BROADBAND CREDIT.**

2 “(a) GENERAL RULE.—For purposes of section 46,
3 the broadband credit for any taxable year is the sum of—

4 “(1) the current generation broadband credit,
5 plus

6 “(2) the next generation broadband credit.

7 “(b) CURRENT GENERATION BROADBAND CREDIT;
8 NEXT GENERATION BROADBAND CREDIT.—For purposes
9 of this section—

10 “(1) CURRENT GENERATION BROADBAND
11 CREDIT.—The current generation broadband credit
12 for any taxable year is equal to 10 percent of the
13 qualified expenditures incurred with respect to quali-
14 fied equipment offering current generation
15 broadband services to rural subscribers or under-
16 served subscribers and taken into account with re-
17 spect to such taxable year.

18 “(2) NEXT GENERATION BROADBAND CRED-
19 IT.—The next generation broadband credit for any
20 taxable year is equal to 20 percent of the qualified
21 expenditures incurred with respect to qualified
22 equipment offering next generation broadband serv-
23 ices to all rural subscribers, all underserved sub-
24 scribers, or any other residential subscribers and
25 taken into account with respect to such taxable year.

1 “(c) WHEN EXPENDITURES TAKEN INTO AC-
2 COUNT.—For purposes of this section—

3 “(1) IN GENERAL.—Qualified expenditures with
4 respect to qualified equipment shall be taken into ac-
5 count with respect to the first taxable year in which
6 current generation broadband services or next gen-
7 eration broadband services are offered by the tax-
8 payer through such equipment to subscribers.

9 “(2) OFFER OF SERVICES.—For purposes of
10 paragraph (1), the offer of current generation
11 broadband services or next generation broadband
12 services through qualified equipment occurs when
13 such class of service is purchased by and provided
14 to at least 10 percent of the subscribers described in
15 subsection (b) which such equipment is capable of
16 serving through the legal or contractual area access
17 rights or obligations of the taxpayer.

18 “(d) SPECIAL ALLOCATION RULES.—

19 “(1) CURRENT GENERATION BROADBAND SERV-
20 ICES.—For purposes of determining the current gen-
21 eration broadband credit under subsection (a)(1), if
22 the qualified equipment is capable of serving both
23 the subscribers described under subsection (b)(1)
24 and other subscribers, the qualified expenditures
25 shall be multiplied by a fraction—

1 “(A) the numerator of which is the sum of
2 the total potential subscriber populations within
3 the rural areas and the underserved areas
4 which the equipment is capable of serving, and

5 “(B) the denominator of which is the total
6 potential subscriber population of the area
7 which the equipment is capable of serving.

8 “(2) NEXT GENERATION BROADBAND SERV-
9 ICES.—For purposes of determining the next genera-
10 tion broadband credit under subsection (a)(2), if the
11 qualified equipment is capable of serving both the
12 subscribers described under subsection (b)(2) and
13 other subscribers, the qualified expenditures shall be
14 multiplied by a fraction—

15 “(A) the numerator of which is the sum
16 of—

17 “(i) the total potential subscriber pop-
18 ulations within the rural areas and under-
19 served areas, plus

20 “(ii) the total potential subscriber
21 population of the area consisting only of
22 residential subscribers not described in
23 clause (i),

24 which the equipment is capable of serving, and

1 “(B) the denominator of which is the total
2 potential subscriber population of the area
3 which the equipment is capable of serving.

4 “(e) DEFINITIONS.—For purposes of this section—

5 “(1) ANTENNA.—The term ‘antenna’ means
6 any device used to transmit or receive signals
7 through the electromagnetic spectrum, including sat-
8 ellite equipment.

9 “(2) CABLE OPERATOR.—The term ‘cable oper-
10 ator’ has the meaning given such term by section
11 602(5) of the Communications Act of 1934 (47
12 U.S.C. 522(5)).

13 “(3) COMMERCIAL MOBILE SERVICE CAR-
14 RIER.—The term ‘commercial mobile service carrier’
15 means any person authorized to provide commercial
16 mobile radio service as defined in section 20.3 of
17 title 47, Code of Federal Regulations.

18 “(4) CURRENT GENERATION BROADBAND SERV-
19 ICE.—The term ‘current generation broadband serv-
20 ice’ means the transmission of signals at a rate of
21 at least 1,500,000 bits per second to the subscriber
22 and at least 200,000 bits per second from the sub-
23 scriber.

24 “(5) NEXT GENERATION BROADBAND SERV-
25 ICE.—The term ‘next generation broadband service’

1 means the transmission of signals at a rate of at
2 least 22,000,000 bits per second to the subscriber
3 and at least 10,000,000 bits per second from the
4 subscriber.

5 “(6) NONRESIDENTIAL SUBSCRIBER.—The
6 term ‘nonresidential subscriber’ means a person or
7 entity who purchases broadband services which are
8 delivered to the permanent place of business of such
9 person or entity.

10 “(7) OPEN VIDEO SYSTEM OPERATOR.—The
11 term ‘open video system operator’ means any person
12 authorized to provide service under section 653 of
13 the Communications Act of 1934 (47 U.S.C. 573).

14 “(8) OTHER WIRELESS CARRIER.—The term
15 ‘other wireless carrier’ means any person (other than
16 a telecommunications carrier, commercial mobile
17 service carrier, cable operator, open video system op-
18 erator, or satellite carrier) providing current genera-
19 tion broadband services or next generation
20 broadband service to subscribers through the radio
21 transmission of energy.

22 “(9) PACKET SWITCHING.—The term ‘packet
23 switching’ means controlling or routing the path of
24 a digitized transmission signal which is assembled
25 into packets or cells.

1 “(10) QUALIFIED EQUIPMENT.—

2 “(A) IN GENERAL.—The term ‘qualified
3 equipment’ means equipment capable of pro-
4 viding current generation broadband services or
5 next generation broadband services at any time
6 to each subscriber who is utilizing such services.

7 “(B) ONLY CERTAIN INVESTMENT TAKEN
8 INTO ACCOUNT.—Except as provided in sub-
9 paragraph (C), equipment shall be taken into
10 account under subparagraph (A) only to the ex-
11 tent it—

12 “(i) extends from the last point of
13 switching to the outside of the unit, build-
14 ing, dwelling, or office owned or leased by
15 a subscriber in the case of a telecommuni-
16 cations carrier,

17 “(ii) extends from the customer side
18 of the mobile telephone switching office to
19 a transmission/receive antenna (including
20 such antenna) owned or leased by a sub-
21 scriber in the case of a commercial mobile
22 service carrier,

23 “(iii) extends from the customer side
24 of the headend to the outside of the unit,
25 building, dwelling, or office owned or

1 leased by a subscriber in the case of a
2 cable operator or open video system oper-
3 ator, or

4 “(iv) extends from a transmission/re-
5 ceive antenna (including such antenna)
6 which transmits and receives signals to or
7 from multiple subscribers to a trans-
8 mission/receive antenna (including such
9 antenna) on the outside of the unit, build-
10 ing, dwelling, or office owned or leased by
11 a subscriber in the case of a satellite car-
12 rier or other wireless carrier, unless such
13 other wireless carrier is also a tele-
14 communications carrier.

15 “(C) PACKET SWITCHING EQUIPMENT.—

16 Packet switching equipment, regardless of loca-
17 tion, shall be taken into account under subpara-
18 graph (A) only if it is deployed in connection
19 with equipment described in subparagraph (B)
20 and it is uniquely designed to perform the func-
21 tion of packet switching for current generation
22 broadband services or next generation
23 broadband services, but only if such packet
24 switching is the last in a series of such func-
25 tions performed in the transmission of a signal

1 to a subscriber or the first in a series of such
2 functions performed in the transmission of a
3 signal from a subscriber.

4 “(11) QUALIFIED EXPENDITURE.—

5 “(A) IN GENERAL.—The term ‘qualified
6 expenditure’ means any amount—

7 “(i) chargeable to capital account with
8 respect to the purchase and installation of
9 qualified equipment (including any up-
10 grades thereto) for which depreciation is
11 allowable under section 168, and

12 “(ii) incurred—

13 “(I) with respect to the provision
14 of current generation broadband serv-
15 ice, after December 31, 2000, and be-
16 fore January 1, 2004, and

17 “(II) with respect to the provi-
18 sion of next generation broadband
19 service, after December 31, 2001, and
20 before January 1, 2005.

21 “(B) CERTAIN SATELLITE EXPENDITURES
22 EXCLUDED.—Such term shall not include any
23 expenditure with respect to the launching of
24 any satellite equipment.

1 “(12) RESIDENTIAL SUBSCRIBER.—The term
2 ‘residential subscriber’ means an individual who pur-
3 chases broadband services which are delivered to
4 such individual’s dwelling.

5 “(13) RURAL SUBSCRIBER.—

6 “(A) IN GENERAL.—The term ‘rural sub-
7 scriber’ means a residential subscriber residing
8 in a dwelling located in a rural area or nonresi-
9 dential subscriber maintaining a permanent
10 place of business located in a rural area.

11 “(B) RURAL AREA.—The term ‘rural area’
12 means any census tract which—

13 “(i) is not within 10 miles of any in-
14 corporated or census designated place con-
15 taining more than 25,000 people, and

16 “(ii) is not within a county or county
17 equivalent which has an overall population
18 density of more than 500 people per
19 square mile of land.

20 “(14) SATELLITE CARRIER.—The term ‘sat-
21 ellite carrier’ means any person using the facilities
22 of a satellite or satellite service licensed by the Fed-
23 eral Communications Commission and operating in
24 the Fixed-Satellite Service under part 25 of title 47
25 of the Code of Federal Regulations or the Direct

1 Broadcast Satellite Service under part 100 of title
2 47 of such Code to establish and operate a channel
3 of communications for point-to-multipoint distribu-
4 tion of signals, and owning or leasing a capacity or
5 service on a satellite in order to provide such point-
6 to-multipoint distribution.

7 “(15) SUBSCRIBER.—The term ‘subscriber’
8 means a person who purchases current generation
9 broadband services or next generation broadband
10 services.

11 “(16) TELECOMMUNICATIONS CARRIER.—The
12 term ‘telecommunications carrier’ has the meaning
13 given such term by section 3(44) of the Communica-
14 tions Act of 1934 (47 U.S.C. 153 (44)), but—

15 “(A) includes all members of an affiliated
16 group of which a telecommunications carrier is
17 a member, and

18 “(B) does not include a commercial mobile
19 service carrier.

20 “(17) TOTAL POTENTIAL SUBSCRIBER POPU-
21 LATION.—The term ‘total potential subscriber popu-
22 lation’ means, with respect to any area and based on
23 the most recent census data, the total number of po-
24 tential residential subscribers residing in dwellings
25 located in such area and potential nonresidential

1 subscribers maintaining permanent places of busi-
2 ness located in such area.

3 “(18) UNDERSERVED SUBSCRIBER.—

4 “(A) IN GENERAL.—The term ‘under-
5 served subscriber’ means a residential sub-
6 scriber residing in a dwelling located in an un-
7 derserved area or nonresidential subscriber
8 maintaining a permanent place of business lo-
9 cated in an underserved area.

10 “(B) UNDERSERVED AREA.—The term
11 ‘underserved area’ means any census tract—

12 “(i) the poverty level of which is at
13 least 30 percent (based on the most recent
14 census data),

15 “(ii) the median family income of
16 which does not exceed—

17 “(I) in the case of a census tract
18 located in a metropolitan statistical
19 area, 70 percent of the greater of the
20 metropolitan area median family in-
21 come or the statewide median family
22 income, and

23 “(II) in the case of a census tract
24 located in a nonmetropolitan statis-
25 tical area, 70 percent of the non-

1 metropolitan statewide median family
2 income, or

3 “(iii) which is located in an empower-
4 ment zone or enterprise community des-
5 ignated under section 1391.

6 “(f) DESIGNATION OF CENSUS TRACTS.—The Sec-
7 retary shall, not later than 90 days after the date of the
8 enactment of this section, designate and publish those cen-
9 sus tracts meeting the criteria described in paragraphs
10 (13)(B) and (18)(B) of subsection (e), and such tracts
11 shall remain so designated for the period ending with the
12 applicable termination date described in subsection
13 (e)(11)(A)(ii).”.

14 (b) CREDIT TO BE PART OF INVESTMENT CREDIT.—
15 Section 46 (relating to the amount of investment credit)
16 is amended by striking “and” at the end of paragraph (2),
17 by striking the period at the end of paragraph (3) and
18 inserting “, and”, and by adding at the end the following
19 new paragraph:

20 “(4) the broadband credit.”.

21 (c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE
22 TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relat-
23 ing to list of exempt organizations) is amended by striking
24 “or” at the end of clause (iii), by striking the period at

1 the end of clause (iv) and inserting “, or”, and by adding
2 at the end the following new clause:

3 “(v) from sources not described in
4 subparagraph (A), but only to the extent
5 such income does not in any year exceed
6 an amount equal to the credit for qualified
7 expenditures which would be determined
8 under section 48A for such year if the mu-
9 tual or cooperative telephone company was
10 not exempt from taxation.”.

11 (d) CONFORMING AMENDMENT.—The table of sec-
12 tions for subpart E of part IV of subchapter A of chapter
13 1 is amended by inserting after the item relating to section
14 48 the following new item:

“Sec. 48A. Broadband credit.”.

15 (e) REGULATORY MATTERS.—No Federal or State
16 agency or instrumentality shall adopt regulations or rate-
17 making procedures that would have the effect of confis-
18 cating any credit or portion thereof allowed under section
19 48A of the Internal Revenue Code of 1986 (as added by
20 this section) or otherwise subverting the purpose of this
21 section.

22 (f) STUDY AND REPORT.—

23 (1) SENSE OF CONGRESS.—It is the sense of
24 Congress that in order to maintain competitive neu-
25 trality, the credit allowed under section 48A of the

1 Internal Revenue Code of 1986 (as added by this
2 section) should be administered in such a manner so
3 as to ensure that each class of provider receives the
4 same level of financial incentive to deploy current
5 generation broadband services and next generation
6 broadband services.

7 (2) STUDY AND REPORT.—The Secretary of the
8 Treasury shall, within 180 days after the effective
9 date of this section, study the impact of the credit
10 allowed under section 48A of the Internal Revenue
11 Code of 1986 (as added by this section) on the rel-
12 ative competitiveness of potential classes of providers
13 of current generation broadband services and next
14 generation broadband services, and shall report to
15 Congress the findings of such study, together with
16 any legislative or regulatory proposals determined to
17 be necessary to ensure that the purposes of such
18 credit can be furthered without impacting competi-
19 tive neutrality among such classes of providers.

20 (g) EFFECTIVE DATES.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the amendments made by this section
23 shall apply to expenditures incurred after December
24 31, 2000.

1 (2) SPECIAL RULE.—The amendments made by
2 subsection (c) shall apply to amounts received after
3 December 31, 2000.

4 **SEC. 304. CREDIT TO HOLDERS OF QUALIFIED AMTRAK**
5 **BONDS.**

6 (a) IN GENERAL.—Part IV of subchapter A of chap-
7 ter 1 (relating to credits against tax) is amended by add-
8 ing at the end the following new subpart:

9 **“Subpart H—Nonrefundable Credit for Holders of**
10 **Qualified Amtrak Bonds**

“Sec. 54. Credit to holders of qualified Amtrak bonds.

11 **“SEC. 54. CREDIT TO HOLDERS OF QUALIFIED AMTRAK**
12 **BONDS.**

13 “(a) ALLOWANCE OF CREDIT.—In the case of a tax-
14 payer who holds a qualified Amtrak bond on a credit al-
15 lowance date of such bond which occurs during the taxable
16 year, there shall be allowed as a credit against the tax
17 imposed by this chapter for such taxable year an amount
18 equal to the sum of the credits determined under sub-
19 section (b) with respect to credit allowance dates during
20 such year on which the taxpayer holds such bond.

21 “(b) AMOUNT OF CREDIT.—

22 “(1) IN GENERAL.—The amount of the credit
23 determined under this subsection with respect to any
24 credit allowance date for a qualified Amtrak bond is

1 25 percent of the annual credit determined with re-
2 spect to such bond.

3 “(2) ANNUAL CREDIT.—The annual credit de-
4 termined with respect to any qualified Amtrak bond
5 is the product of—

6 “(A) the applicable credit rate, multiplied
7 by

8 “(B) the outstanding face amount of the
9 bond.

10 “(3) APPLICABLE CREDIT RATE.—For purposes
11 of paragraph (2), the applicable credit rate with re-
12 spect to an issue is the rate equal to an average
13 market yield (as of the day before the date of
14 issuance of the issue) on outstanding long-term cor-
15 porate debt obligations (determined under regula-
16 tions prescribed by the Secretary).

17 “(4) SPECIAL RULE FOR ISSUANCE AND RE-
18 DEMPTION.—In the case of a bond which is issued
19 during the 3-month period ending on a credit allow-
20 ance date, the amount of the credit determined
21 under this subsection with respect to such credit al-
22 lowance date shall be a ratable portion of the credit
23 otherwise determined based on the portion of the 3-
24 month period during which the bond is outstanding.

1 A similar rule shall apply when the bond is re-
2 deemed.

3 “(c) LIMITATION BASED ON AMOUNT OF TAX.—

4 “(1) IN GENERAL.—The credit allowed under
5 subsection (a) for any taxable year shall not exceed
6 the excess of—

7 “(A) the sum of the regular tax liability
8 (as defined in section 26(b)) plus the tax im-
9 posed by section 55, over

10 “(B) the sum of the credits allowable
11 under this part (other than this subpart and
12 subpart C).

13 “(2) CARRYOVER OF UNUSED CREDIT.—If the
14 credit allowable under subsection (a) exceeds the
15 limitation imposed by paragraph (1) for such taxable
16 year, such excess shall be carried to the succeeding
17 taxable year and added to the credit allowable under
18 subsection (a) for such taxable year.

19 “(d) QUALIFIED AMTRAK BOND.—For purposes of
20 this part—

21 “(1) IN GENERAL.—The term ‘qualified Amtrak
22 bond’ means any bond issued as part of an issue
23 if—

24 “(A) 95 percent or more of the proceeds of
25 such issue are—

1 “(i) to be used for any qualified
2 project, or

3 “(ii) to be pledged to secure payments
4 and other obligations incurred by the Na-
5 tional Railroad Passenger Corporation in
6 connection with any qualified project,

7 “(B) the bond is issued by the National
8 Railroad Passenger Corporation,

9 “(C) the issuer—

10 “(i) designates such bond for purposes
11 of this section,

12 “(ii) certifies that it meets the State
13 contribution requirement of paragraph (2)
14 with respect to such project, and

15 “(iii) certifies that it has obtained the
16 written approval of the Secretary of Trans-
17 portation for such project,

18 “(D) the term of each bond which is part
19 of such issue does not exceed 20 years, and

20 “(E) the payment of principal with respect
21 to such bond is guaranteed by the National
22 Railroad Passenger Corporation.

23 “(2) STATE CONTRIBUTION REQUIREMENT.—

24 “(A) IN GENERAL.—For purposes of para-
25 graph (1)(C)(ii), the State contribution require-

1 ment of this paragraph is met with respect to
2 any qualified project if the National Railroad
3 Passenger Corporation has a written binding
4 commitment from 1 or more States to make
5 matching contributions not later than the date
6 of issuance of the issue of not less than 20 per-
7 cent of the cost of the qualified project.

8 “(B) USE OF STATE MATCHING CONTRIBU-
9 TIONS.—The matching contributions described
10 in subparagraph (A) with respect to each quali-
11 fied project shall be used—

12 “(i) in the case of an amount not to
13 exceed 20 percent of the cost of such
14 project, to redeem bonds which are a part
15 of the issue with respect to such project,
16 and

17 “(ii) in the case of any remaining
18 amount, at the election of the National
19 Railroad Passenger Corporation and the
20 contributing State—

21 “(I) to fund the qualified project,

22 “(II) to redeem such bonds, or

23 “(III) for the purposes of sub-
24 clauses (I) and (II).

1 “(C) STATE MATCHING CONTRIBUTIONS
2 MAY NOT INCLUDE FEDERAL FUNDS.—For pur-
3 poses of this paragraph, State matching con-
4 tributions shall not be derived, directly or indi-
5 rectly, from Federal funds, including any trans-
6 fers from the Highway Trust Fund under sec-
7 tion 9503.

8 “(D) NO STATE CONTRIBUTION REQUIRE-
9 MENT FOR CERTAIN QUALIFIED PROJECT.—
10 With respect to the qualified project described
11 in subsection (e)(2)(B), the State contribution
12 requirement of this paragraph is zero.

13 “(3) QUALIFIED PROJECT.—The term ‘qualified
14 project’ means—

15 “(A) the acquisition, financing, or refi-
16 nancing (as described in paragraph (1)(A)(ii))
17 of equipment, rolling stock, and other capital
18 improvements for the northeast rail corridor be-
19 tween Washington, D.C. and Boston, Massa-
20 chusetts (including the project described in sub-
21 section (e)(2)(B)),

22 “(B) the acquisition, financing, or refi-
23 nancing (as so described) of equipment, rolling
24 stock, and other capital improvements for the
25 improvement of train speeds or safety (or both)

1 on the high-speed rail corridors designated
 2 under section 104(d)(2) of title 23, United
 3 States Code, and

4 “(C) the acquisition, financing, or refi-
 5 nancing (as so described) of equipment, rolling
 6 stock, and other capital improvements for other
 7 intercity passenger rail corridors, including sta-
 8 tion rehabilitation or construction, track or sig-
 9 nal improvements, or the elimination of grade
 10 crossings.

11 “(e) LIMITATIONS ON AMOUNT OF BONDS DES-
 12 IGNATED.—

13 “(1) IN GENERAL.—There is a qualified Am-
 14 trak bond limitation for each fiscal year. Such limi-
 15 tation is—

16 “(A) \$1,000,000,000 for each of the fiscal
 17 years 2001 through 2010, and

18 “(B) except as provided in paragraph (5),
 19 zero after fiscal year 2010.

20 “(2) BONDS FOR RAIL CORRIDORS.—

21 “(A) IN GENERAL.—Not more than
 22 \$3,000,000,000 of the limitation under para-
 23 graph (1) may be designated for any 1 rail cor-
 24 ridor described in subparagraph (A) or (B) of
 25 subsection (d)(3).

1 “(B) SPECIFIC QUALIFIED PROJECT ALLO-
2 CATION.—Of the amount described in subpara-
3 graph (A), the Secretary of Transportation
4 shall allocate \$92,000,000 for the acquisition
5 and installation of platform facilities, perform-
6 ance of railroad force account work necessary to
7 complete improvements below street grade, and
8 any other necessary improvements related to
9 construction at the railroad station at the
10 James A. Farley Post Office Building in New
11 York City, New York.

12 “(3) BONDS FOR OTHER PROJECTS.—Not more
13 than 10 percent of the limitation under paragraph
14 (1) for any fiscal year may be allocated to qualified
15 projects described in subsection (d)(3)(C).

16 “(4) BONDS FOR ALASKA RAILROAD.—The Sec-
17 retary of Transportation may allocate to the Alaska
18 Railroad a portion of the qualified Amtrak limitation
19 for any fiscal year in order to allow the Alaska Rail-
20 road to issue bonds which meet the requirements of
21 this section for use in financing any project de-
22 scribed in subsection (d)(3)(C). For purposes of this
23 section, the Alaska Railroad shall be treated in the
24 same manner as the National Passenger Railroad
25 Corporation.

1 “(5) CARRYOVER OF UNUSED LIMITATION.—If
2 for any fiscal year—

3 “(A) the limitation amount under para-
4 graph (1), exceeds

5 “(B) the amount of bonds issued during
6 such year which are designated under sub-
7 section (d)(1)(C)(i),

8 the limitation amount under paragraph (1) for the
9 following fiscal year (through fiscal year 2014) shall
10 be increased by the amount of such excess.

11 “(6) PREFERENCE FOR GREATER STATE PAR-
12 TICIPATION.—In selecting qualified projects for allo-
13 cation of the qualified Amtrak bond limitation under
14 this subsection, the Secretary of Transportation
15 shall give preference to any project with a State
16 matching contribution rate exceeding 20 percent.

17 “(f) OTHER DEFINITIONS.—For purposes of this
18 subpart—

19 “(1) BOND.—The term ‘bond’ includes any ob-
20 ligation.

21 “(2) CREDIT ALLOWANCE DATE.—The term
22 ‘credit allowance date’ means—

23 “(A) March 15,

24 “(B) June 15,

25 “(C) September 15, and

1 “(D) December 15.

2 Such term includes the last day on which the bond
3 is outstanding.

4 “(3) STATE.—The term ‘State’ includes the
5 District of Columbia.

6 “(g) CREDIT INCLUDED IN GROSS INCOME.—Gross
7 income includes the amount of the credit allowed to the
8 taxpayer under this section (determined without regard to
9 subsection (c)) and the amount so included shall be treat-
10 ed as interest income.

11 “(h) SPECIAL RULES RELATING TO ARBITRAGE.—

12 “(1) IN GENERAL.—A bond shall not be treated
13 as failing to meet the requirements of subsection
14 (d)(1) solely by reason of the fact that proceeds of
15 the issue of which such bond is a part are invested
16 for a temporary period (but not more than 36
17 months) until such proceeds are needed for the pur-
18 pose for which such issue was issued.

19 “(2) REASONABLE EXPECTATION AND BINDING
20 COMMITMENT REQUIREMENTS.—Paragraph (1) shall
21 apply to an issue only if, as of the date of issuance,
22 the issuer reasonably expects—

23 “(A) that at least 95 percent of the pro-
24 ceeds of the issue will be spent for 1 or more

1 qualified projects within the 3-year period be-
2 ginning on such date,

3 “(B) to incur a binding commitment with
4 a third party to spend at least 10 percent of the
5 proceeds of the issue, or to commence prelimi-
6 nary engineering or construction, with respect
7 to such projects within the 6-month period be-
8 ginning on such date, and

9 “(C) that the remaining proceeds of the
10 issue will be spent with due diligence with re-
11 spect to such projects.

12 “(3) EARNINGS ON PROCEEDS.—Any earnings
13 on proceeds during the temporary period shall be
14 treated as proceeds of the issue for purposes of ap-
15 plying subsection (d)(1) and paragraph (1) of this
16 subsection.

17 “(i) USE OF TRUST ACCOUNT.—

18 “(1) IN GENERAL.—The amount of any match-
19 ing contribution with respect to a qualified project
20 described in subsection (d)(2)(B)(i) or
21 (d)(2)(B)(ii)(II) and the temporary period invest-
22 ment earnings on proceeds of the issue with respect
23 to such project described in subsection (h)(1), and
24 any earnings thereon, shall be held in a trust ac-
25 count by a trustee independent of the National Rail-

1 road Passenger Corporation to be used to redeem
2 bonds which are part of such issue.

3 “(2) USE OF REMAINING FUNDS IN TRUST AC-
4 COUNT.—Upon the repayment of the principal of all
5 qualified Amtrak bonds issued under this section,
6 any remaining funds in the trust account described
7 in paragraph (1) shall be available to the trustee de-
8 scribed in paragraph (1) to meet any remaining obli-
9 gations under any guaranteed investment contract
10 used to secure earnings sufficient to repay the prin-
11 cipal of such bonds.

12 “(j) OTHER SPECIAL RULES.—

13 “(1) PARTNERSHIP; S CORPORATION; AND
14 OTHER PASS-THRU ENTITIES.—Under regulations
15 prescribed by the Secretary, in the case of a partner-
16 ship, trust, S corporation, or other pass-thru entity,
17 rules similar to the rules of section 41(g) shall apply
18 with respect to the credit allowable under subsection
19 (a).

20 “(2) BONDS HELD BY REGULATED INVEST-
21 MENT COMPANIES.—If any qualified Amtrak bond is
22 held by a regulated investment company, the credit
23 determined under subsection (a) shall be allowed to
24 shareholders of such company under procedures pre-
25 scribed by the Secretary.

1 “(3) CREDITS MAY BE STRIPPED.—Under regu-
2 lations prescribed by the Secretary—

3 “(A) IN GENERAL.—There may be a sepa-
4 ration (including at issuance) of the ownership
5 of a qualified Amtrak bond and the entitlement
6 to the credit under this section with respect to
7 such bond. In case of any such separation, the
8 credit under this section shall be allowed to the
9 person who on the credit allowance date holds
10 the instrument evidencing the entitlement to
11 the credit and not to the holder of the bond.

12 “(B) CERTAIN RULES TO APPLY.—In the
13 case of a separation described in subparagraph
14 (A), the rules of section 1286 shall apply to the
15 qualified Amtrak bond as if it were a stripped
16 bond and to the credit under this section as if
17 it were a stripped coupon.

18 “(4) TREATMENT FOR ESTIMATED TAX PUR-
19 POSES.—Solely for purposes of sections 6654 and
20 6655, the credit allowed by this section to a tax-
21 payer by reason of holding a qualified Amtrak bond
22 on a credit allowance date shall be treated as if it
23 were a payment of estimated tax made by the tax-
24 payer on such date.

1 “(5) CREDIT MAY BE TRANSFERRED.—Nothing
2 in any law or rule of law shall be construed to limit
3 the transferability of the credit allowed by this sec-
4 tion through sale and repurchase agreements.

5 “(6) REPORTING.—Issuers of qualified Amtrak
6 bonds shall submit reports similar to the reports re-
7 quired under section 149(e).”.

8 (b) REPORTING.—Subsection (d) of section 6049 (re-
9 lating to returns regarding payments of interest) is
10 amended by adding at the end the following new para-
11 graph:

12 “(8) REPORTING OF CREDIT ON QUALIFIED AM-
13 TRAK BONDS.—

14 “(A) IN GENERAL.—For purposes of sub-
15 section (a), the term ‘interest’ includes amounts
16 includible in gross income under section 54(g)
17 and such amounts shall be treated as paid on
18 the credit allowance date (as defined in section
19 54(f)(2)).

20 “(B) REPORTING TO CORPORATIONS,
21 ETC.—Except as otherwise provided in regula-
22 tions, in the case of any interest described in
23 subparagraph (A) of this paragraph, subsection
24 (b)(4) of this section shall be applied without

1 regard to subparagraphs (A), (H), (I), (J), (K),
2 and (L)(i).

3 “(C) REGULATORY AUTHORITY.—The Sec-
4 retary may prescribe such regulations as are
5 necessary or appropriate to carry out the pur-
6 poses of this paragraph, including regulations
7 which require more frequent or more detailed
8 reporting.”.

9 (c) CLERICAL AMENDMENTS.—

10 (1) The table of subparts for part IV of sub-
11 chapter A of chapter 1 is amended by adding at the
12 end the following new item:

“Subpart H. Nonrefundable Credit for Holders of Qualified Am-
trak Bonds.”.

13 (2) Section 6401(b)(1) is amended by striking
14 “and G” and inserting “G, and H”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to obligations issued after Sep-
17 tember 30, 2000.

18 (e) MULTI-YEAR CAPITAL SPENDING PLAN AND
19 OVERSIGHT.—

20 (1) AMTRAK CAPITAL SPENDING PLAN.—

21 (A) IN GENERAL.—The National Railroad
22 Passenger Corporation shall annually submit to
23 the President and Congress a multi-year capital

1 spending plan, as approved by the Board of Di-
2 rectors of the Corporation.

3 (B) CONTENTS OF PLAN.—Such plan shall
4 identify the capital investment needs of the
5 Corporation over a period of not less than 5
6 years and the funding sources available to fi-
7 nance such needs and shall prioritize such
8 needs according to corporate goals and strate-
9 gies.

10 (C) INITIAL SUBMISSION DATE.—The first
11 plan shall be submitted before the issuance of
12 any qualified Amtrak bonds pursuant to section
13 54 of the Internal Revenue Code of 1986 (as
14 added by this section).

15 (2) OVERSIGHT OF AMTRAK TRUST ACCOUNT
16 AND QUALIFIED PROJECTS.—

17 (A) TRUST ACCOUNT OVERSIGHT.—The
18 Secretary of the Treasury shall annually report
19 to Congress as to whether the amount deposited
20 in the trust account established by the National
21 Passenger Railroad Corporation under section
22 54(i) of such Code (as so added) is sufficient to
23 fully repay at maturity the principal of any out-
24 standing qualified Amtrak bonds issued pursu-
25 ant to section 54 of such Code (as so added).

1 (B) PROJECT OVERSIGHT.—The National
2 Railroad Passenger Corporation shall contract
3 for an annual independent assessment of the
4 costs and benefits of the qualified projects fi-
5 nanced by such qualified Amtrak bonds, includ-
6 ing an assessment of the investment evaluation
7 process of the Corporation. The annual assess-
8 ment shall be included in the plan submitted
9 under paragraph (1).

10 (f) PROTECTION OF HIGHWAY TRUST FUND.—

11 (1) CERTIFICATION BY THE SECRETARY OF
12 THE TREASURY.—The issuance of any qualified Am-
13 trak bonds by the National Passenger Railroad Cor-
14 poration pursuant to section 54 of the Internal Rev-
15 enue Code of 1986 (as added by this section) is con-
16 ditioned on certification by the Secretary of the
17 Treasury, after consultation with the Secretary of
18 Transportation, within 30 days of a request by the
19 issuer, that with respect to funds of the Highway
20 Trust Fund described under paragraph (2), the
21 issuer either—

22 (A) has not received such funds during fis-
23 cal years commencing with fiscal year 2001 and
24 ending before the fiscal year the bonds are
25 issued, or

1 (B) has repaid to the Highway Trust Fund
2 any such funds which were received during such
3 fiscal years.

4 (2) APPLICABILITY.—This subsection shall
5 apply to funds received directly or indirectly from
6 the Highway Trust Fund established under section
7 9503 of the Internal Revenue Code of 1986, except
8 for funds authorized to be expended under section
9 9503(c) of such Code, as in effect on the date of the
10 enactment of this Act.

11 (3) NO RETROACTIVE EFFECT.—Nothing in
12 this subsection shall adversely affect the entitlement
13 of the holders of qualified Amtrak bonds to the tax
14 credit allowed pursuant to section 54 of the Internal
15 Revenue Code of 1986 (as so added) or to repay-
16 ment of principal upon maturity.

17 **SEC. 305. CLARIFICATION OF CONTRIBUTION IN AID OF**
18 **CONSTRUCTION.**

19 (a) IN GENERAL.—Subparagraph (A) of section
20 118(c)(3) (relating to definitions) is amended to read as
21 follows:

22 “(A) CONTRIBUTION IN AID OF CONSTRUC-
23 TION.—The term ‘contribution in aid of con-
24 struction’ shall be defined by regulations pre-

1 scribed by the Secretary, except that such
2 term—

3 “(i) shall include amounts paid as
4 customer connection fees (including
5 amounts paid to connect the customer’s
6 line to or extend a main water or sewer
7 line), and

8 “(ii) shall not include amounts paid as
9 service charges for starting or stopping
10 services.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply to amounts received after the
13 date of the enactment of this Act.

14 **SEC. 306. RECOVERY PERIOD FOR DEPRECIATION OF CER-**
15 **TAIN LEASEHOLD IMPROVEMENTS.**

16 (a) 15-YEAR RECOVERY PERIOD.—Subparagraph
17 (E) of section 168(e)(3) (relating to 15-year property) is
18 amended by striking “and” at the end of clause (ii), by
19 striking the period at the end of clause (iii) and inserting
20 “, and”, and by adding at the end the following new
21 clause:

22 “(iv) any qualified leasehold improve-
23 ment property.”.

1 (b) QUALIFIED LEASEHOLD IMPROVEMENT PROP-
 2 ERTY.—Subsection (e) of section 168 is amended by add-
 3 ing at the end the following new paragraph:

4 “(6) QUALIFIED LEASEHOLD IMPROVEMENT
 5 PROPERTY.—

6 “(A) IN GENERAL.—The term ‘qualified
 7 leasehold improvement property’ means any im-
 8 provement to an interior portion of a building
 9 which is nonresidential real property if—

10 “(i) such improvement is made under
 11 or pursuant to a lease (as defined in sub-
 12 section (h)(7))—

13 “(I) by the lessee (or any subles-
 14 see) of such portion, or

15 “(II) by the lessor of such por-
 16 tion,

17 “(ii) the original use of such improve-
 18 ment begins with the lessee and after De-
 19 cember 31, 2006,

20 “(iii) such portion is to be occupied
 21 exclusively by the lessee (or any sublessee)
 22 of such portion, and

23 “(iv) such improvement is placed in
 24 service more than 3 years after the date
 25 the building was first placed in service.

1 “(B) CERTAIN IMPROVEMENTS NOT IN-
2 CLUDED.—Such term shall not include any im-
3 provement for which the expenditure is attrib-
4 utable to—

5 “(i) the enlargement of the building,

6 “(ii) any elevator or escalator,

7 “(iii) any structural component bene-
8 fitting a common area, and

9 “(iv) the internal structural frame-
10 work of the building.

11 “(C) DEFINITIONS AND SPECIAL RULES.—

12 For purposes of this paragraph—

13 “(i) COMMITMENT TO LEASE TREAT-
14 ED AS LEASE.—A commitment to enter
15 into a lease shall be treated as a lease, and
16 the parties to such commitment shall be
17 treated as lessor and lessee, respectively, if
18 the lease is in effect at the time the prop-
19 erty is placed in service.

20 “(ii) RELATED PERSONS.—A lease be-
21 tween related persons shall not be consid-
22 ered a lease. For purposes of the preceding
23 sentence, the term ‘related persons’
24 means—

1 “(I) members of an affiliated
2 group (as defined in section 1504),
3 and

4 “(II) persons having a relation-
5 ship described in subsection (b) of
6 section 267(b) or 707(b)(1); except
7 that, for purposes of this clause, the
8 phrase ‘80 percent or more’ shall be
9 substituted for the phrase ‘more than
10 50 percent’ each place it appears in
11 such subsections.”.

12 (c) REQUIREMENT TO USE STRAIGHT LINE METH-
13 OD.—Paragraph (3) of section 168(b) is amended by add-
14 ing at the end the following new subparagraph:

15 “(G) Qualified leasehold improvement
16 property described in subsection (e)(6).”.

17 (d) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to qualified leasehold improvement
19 property placed in service after December 31, 2006.

20 **TITLE IV—TAX RELIEF FOR**
21 **FARMERS**

22 **SEC. 401. FARM, FISHING, AND RANCH RISK MANAGEMENT**
23 **ACCOUNTS.**

24 (a) IN GENERAL.—Subpart C of part II of sub-
25 chapter E of chapter 1 (relating to taxable year for which

1 deductions taken) is amended by inserting after section
2 468B the following new section:

3 **“SEC. 468C. FARM, FISHING, AND RANCH RISK MANAGE-**
4 **MENT ACCOUNTS.**

5 “(a) DEDUCTION ALLOWED.—In the case of an indi-
6 vidual engaged in an eligible farming business or commer-
7 cial fishing, there shall be allowed as a deduction for any
8 taxable year the amount paid in cash by the taxpayer dur-
9 ing the taxable year to a Farm, Fishing, and Ranch Risk
10 Management Account (hereinafter referred to as the
11 ‘FFARRM Account’).

12 “(b) LIMITATION.—

13 “(1) CONTRIBUTIONS.—The amount which a
14 taxpayer may pay into the FFARRM Account for
15 any taxable year shall not exceed 20 percent of so
16 much of the taxable income of the taxpayer (deter-
17 mined without regard to this section) which is at-
18 tributable (determined in the manner applicable
19 under section 1301) to any eligible farming business
20 or commercial fishing.

21 “(2) DISTRIBUTIONS.—Distributions from a
22 FFARRM Account may not be used to purchase,
23 lease, or finance any new fishing vessel, add capacity
24 to any fishery, or otherwise contribute to the over-
25 capitalization of any fishery. The Secretary of Com-

1 merce shall implement regulations to enforce this
2 paragraph.

3 “(c) ELIGIBLE BUSINESSES.—For purposes of this
4 section—

5 “(1) ELIGIBLE FARMING BUSINESS.—The term
6 ‘eligible farming business’ means any farming busi-
7 ness (as defined in section 263A(e)(4)) which is not
8 a passive activity (within the meaning of section
9 469(c)) of the taxpayer.

10 “(2) COMMERCIAL FISHING.—The term ‘com-
11 mercial fishing’ has the meaning given such term by
12 section (3) of the Magnuson-Stevens Fishery Con-
13 servation and Management Act (16 U.S.C. 1802)
14 but only if such fishing is not a passive activity
15 (within the meaning of section 469(c)) of the tax-
16 payer.

17 “(d) FFARRM ACCOUNT.—For purposes of this
18 section—

19 “(1) IN GENERAL.—The term ‘FFARRM Ac-
20 count’ means a trust created or organized in the
21 United States for the exclusive benefit of the tax-
22 payer, but only if the written governing instrument
23 creating the trust meets the following requirements:

24 “(A) No contribution will be accepted for
25 any taxable year in excess of the amount al-

1 lowed as a deduction under subsection (a) for
2 such year.

3 “(B) The trustee is a bank (as defined in
4 section 408(n)) or another person who dem-
5 onstrates to the satisfaction of the Secretary
6 that the manner in which such person will ad-
7 minister the trust will be consistent with the re-
8 quirements of this section.

9 “(C) The assets of the trust consist en-
10 tirely of cash or of obligations which have ade-
11 quate stated interest (as defined in section
12 1274(c)(2)) and which pay such interest not
13 less often than annually.

14 “(D) All income of the trust is distributed
15 currently to the grantor.

16 “(E) The assets of the trust will not be
17 commingled with other property except in a
18 common trust fund or common investment
19 fund.

20 “(2) ACCOUNT TAXED AS GRANTOR TRUST.—
21 The grantor of a FFARRM Account shall be treated
22 for purposes of this title as the owner of such Ac-
23 count and shall be subject to tax thereon in accord-
24 ance with subpart E of part I of subchapter J of

1 this chapter (relating to grantors and others treated
2 as substantial owners).

3 “(e) INCLUSION OF AMOUNTS DISTRIBUTED.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), there shall be includible in the gross in-
6 come of the taxpayer for any taxable year—

7 “(A) any amount distributed from a
8 FFARRM Account of the taxpayer during such
9 taxable year, and

10 “(B) any deemed distribution under—

11 “(i) subsection (f)(1) (relating to de-
12 posits not distributed within 5 years),

13 “(ii) subsection (f)(2) (relating to ces-
14 sation in eligible farming business), and

15 “(iii) subparagraph (B) or (C) of sub-
16 section (f)(3) (relating to prohibited trans-
17 actions and pledging account as security).

18 “(2) EXCEPTIONS.—Paragraph (1)(A) shall not
19 apply to—

20 “(A) any distribution to the extent attrib-
21 utable to income of the Account, and

22 “(B) the distribution of any contribution
23 paid during a taxable year to a FFARRM Ac-
24 count to the extent that such contribution ex-
25 ceeds the limitation applicable under subsection

1 (b) if requirements similar to the requirements
2 of section 408(d)(4) are met.

3 For purposes of subparagraph (A), distributions
4 shall be treated as first attributable to income and
5 then to other amounts.

6 “(f) SPECIAL RULES.—

7 “(1) TAX ON DEPOSITS IN ACCOUNT WHICH
8 ARE NOT DISTRIBUTED WITHIN 5 YEARS.—

9 “(A) IN GENERAL.—If, at the close of any
10 taxable year, there is a nonqualified balance in
11 any FFARRM Account—

12 “(i) there shall be deemed distributed
13 from such Account during such taxable
14 year an amount equal to such balance, and

15 “(ii) the taxpayer’s tax imposed by
16 this chapter for such taxable year shall be
17 increased by 10 percent of such deemed
18 distribution.

19 The preceding sentence shall not apply if an
20 amount equal to such nonqualified balance is
21 distributed from such Account to the taxpayer
22 before the due date (including extensions) for
23 filing the return of tax imposed by this chapter
24 for such year (or, if earlier, the date the tax-
25 payer files such return for such year).

1 “(B) NONQUALIFIED BALANCE.—For pur-
2 poses of subparagraph (A), the term ‘non-
3 qualified balance’ means any balance in the Ac-
4 count on the last day of the taxable year which
5 is attributable to amounts deposited in such Ac-
6 count before the 4th preceding taxable year.

7 “(C) ORDERING RULE.—For purposes of
8 this paragraph, distributions from a FFARRM
9 Account (other than distributions of current in-
10 come) shall be treated as made from deposits in
11 the order in which such deposits were made, be-
12 ginning with the earliest deposits.

13 “(2) CESSATION IN ELIGIBLE BUSINESS.—At
14 the close of the first disqualification period after a
15 period for which the taxpayer was engaged in an eli-
16 gible farming business or commercial fishing, there
17 shall be deemed distributed from the FFARRM Ac-
18 count of the taxpayer an amount equal to the bal-
19 ance in such Account (if any) at the close of such
20 disqualification period. For purposes of the pre-
21 ceding sentence, the term ‘disqualification period’
22 means any period of 2 consecutive taxable years for
23 which the taxpayer is not engaged in an eligible
24 farming business or commercial fishing.

1 “(3) CERTAIN RULES TO APPLY.—Rules similar
2 to the following rules shall apply for purposes of this
3 section:

4 “(A) Section 220(f)(8) (relating to treat-
5 ment on death).

6 “(B) Section 408(e)(2) (relating to loss of
7 exemption of account where individual engages
8 in prohibited transaction).

9 “(C) Section 408(e)(4) (relating to effect
10 of pledging account as security).

11 “(D) Section 408(g) (relating to commu-
12 nity property laws).

13 “(E) Section 408(h) (relating to custodial
14 accounts).

15 “(4) TIME WHEN PAYMENTS DEEMED MADE.—
16 For purposes of this section, a taxpayer shall be
17 deemed to have made a payment to a FFARRM Ac-
18 count on the last day of a taxable year if such pay-
19 ment is made on account of such taxable year and
20 is made on or before the due date (without regard
21 to extensions) for filing the return of tax for such
22 taxable year.

23 “(5) INDIVIDUAL.—For purposes of this sec-
24 tion, the term ‘individual’ shall not include an estate
25 or trust.

1 “(6) DEDUCTION NOT ALLOWED FOR SELF-EM-
2 PLOYMENT TAX.—The deduction allowable by reason
3 of subsection (a) shall not be taken into account in
4 determining an individual’s net earnings from self-
5 employment (within the meaning of section 1402(a))
6 for purposes of chapter 2.

7 “(g) REPORTS.—The trustee of a FFARRM Account
8 shall make such reports regarding such Account to the
9 Secretary and to the person for whose benefit the Account
10 is maintained with respect to contributions, distributions,
11 and such other matters as the Secretary may require
12 under regulations. The reports required by this subsection
13 shall be filed at such time and in such manner and fur-
14 nished to such persons at such time and in such manner
15 as may be required by such regulations.”.

16 (b) TAX ON EXCESS CONTRIBUTIONS.—

17 (1) Subsection (a) of section 4973 (relating to
18 tax on excess contributions to certain tax-favored ac-
19 counts and annuities) is amended by striking “or”
20 at the end of paragraph (3), by redesignating para-
21 graph (4) as paragraph (5), and by inserting after
22 paragraph (3) the following new paragraph:

23 “(4) a FFARRM Account (within the meaning
24 of section 468C(d)), or”.

1 “(6) SPECIAL RULE FOR FFARRM ACCOUNTS.—
2 A person for whose benefit a FFARRM Account
3 (within the meaning of section 468C(d)) is estab-
4 lished shall be exempt from the tax imposed by this
5 section with respect to any transaction concerning
6 such account (which would otherwise be taxable
7 under this section) if, with respect to such trans-
8 action, the account ceases to be a FFARRM Ac-
9 count by reason of the application of section
10 468C(f)(3)(A) to such account.”.

11 (2) Paragraph (1) of section 4975(e) is amend-
12 ed by redesignating subparagraphs (E) and (F) as
13 subparagraphs (F) and (G), respectively, and by in-
14 serting after subparagraph (D) the following new
15 subparagraph:

16 “(E) a FFARRM Account described in
17 section 468C(d),”.

18 (d) FAILURE TO PROVIDE REPORTS ON FFARRM
19 ACCOUNTS.—Paragraph (2) of section 6693(a) (relating
20 to failure to provide reports on certain tax-favored ac-
21 counts or annuities) is amended by redesignating subpara-
22 graphs (C) and (D) as subparagraphs (D) and (E), re-
23 spectively, and by inserting after subparagraph (B) the
24 following new subparagraph:

1 “(C) section 468C(g) (relating to
2 FFARRM Accounts),”.

3 (e) CLERICAL AMENDMENT.—The table of sections
4 for subpart C of part II of subchapter E of chapter 1 is
5 amended by inserting after the item relating to section
6 468B the following new item:

“Sec. 468C. Farm, Fishing and Ranch Risk Management Ac-
counts.”.

7 (f) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxable years beginning after
9 December 31, 2000.

10 **SEC. 402. WRITTEN AGREEMENT RELATING TO EXCLUSION**
11 **OF CERTAIN FARM RENTAL INCOME FROM**
12 **NET EARNINGS FROM SELF-EMPLOYMENT.**

13 (a) INTERNAL REVENUE CODE.—Section
14 1402(a)(1)(A) (relating to net earnings from self-employ-
15 ment) is amended by striking “an arrangement” and in-
16 serting “a lease agreement”.

17 (b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of
18 the Social Security Act is amended by striking “an ar-
19 rangement” and inserting “a lease agreement”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2000.

1 **SEC. 403. TREATMENT OF CONSERVATION RESERVE PRO-**
2 **GRAM PAYMENTS AS RENTALS FROM REAL**
3 **ESTATE.**

4 (a) IN GENERAL.—Section 1402(a)(1) (defining net
5 earnings from self-employment) is amended by inserting
6 “and including payments under section 1233(2) of the
7 Food Security Act of 1985 (16 U.S.C. 3833(2))” after
8 “crop shares”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall apply to payments made after December
11 31, 2000.

12 **SEC. 404. EXEMPTION OF AGRICULTURAL BONDS FROM**
13 **STATE VOLUME CAP.**

14 (a) IN GENERAL.—Section 146(g) (relating to excep-
15 tion for certain bonds) is amended by striking “and” at
16 the end of paragraph (3), by striking the period at the
17 end of paragraph (4) and inserting “, and”, and by insert-
18 ing after paragraph (4) the following new paragraph:

19 “(5) any qualified small issue bond described in
20 section 144(a)(12)(B)(ii).”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to bonds issued after December
23 31, 2000.

24 **SEC. 405. MODIFICATIONS TO SECTION 512(b)(13).**

25 (a) IN GENERAL.—Paragraph (13) of section 512(b)
26 is amended by redesignating subparagraph (E) as sub-

1 paragraph (F) and by inserting after subparagraph (D)
2 the following new paragraph:

3 “(E) PARAGRAPH TO APPLY ONLY TO EX-
4 CESS PAYMENTS.—

5 “(i) IN GENERAL.—Subparagraph (A)
6 shall apply only to the portion of a speci-
7 fied payment received by the controlling
8 organization that exceeds the amount
9 which would have been paid if such pay-
10 ment met the requirements prescribed
11 under section 482.

12 “(ii) ADDITION TO TAX FOR VALU-
13 ATION MISSTATEMENTS.—The tax imposed
14 by this chapter on the controlling organiza-
15 tion shall be increased by an amount equal
16 to 20 percent of such excess.”.

17 (b) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The amendment made by
19 this section shall apply to payments received or ac-
20 crued after December 31, 2000.

21 (2) PAYMENTS SUBJECT TO BINDING CONTRACT
22 TRANSITION RULE.—If the amendments made by
23 section 1041 of the Taxpayer Relief Act of 1997 did
24 not apply to any amount received or accrued in the
25 first 2 taxable years beginning on or after the date

1 of the enactment of this Act under any contract de-
2 scribed in subsection (b)(2) of such section, such
3 amendments also shall not apply to amounts re-
4 ceived or accrued under such contract before Janu-
5 ary 1, 2001.

6 **SEC. 406. CHARITABLE DEDUCTION FOR CONTRIBUTIONS**
7 **OF FOOD INVENTORY.**

8 (a) IN GENERAL.—Subsection (e) of section 170 (re-
9 lating to certain contributions of ordinary income and cap-
10 ital gain property) is amended by adding at the end the
11 following new paragraph:

12 “(7) SPECIAL RULE FOR CONTRIBUTIONS OF
13 FOOD INVENTORY.—For purposes of this section—

14 “(A) CONTRIBUTIONS BY NON-CORPORATE
15 TAXPAYERS.—In the case of a charitable con-
16 tribution of food by a taxpayer in a farming
17 business (as defined in section 263A(e)(4)),
18 paragraph (3)(A) shall be applied without re-
19 gard to whether or not the contribution is made
20 by a corporation.

21 “(B) LIMIT ON REDUCTION.—In the case
22 of a charitable contribution of food which is a
23 qualified contribution (within the meaning of
24 paragraph (3)(A), as modified by subparagraph
25 (A) of this paragraph)—

1 “(i) paragraph (3)(B) shall not apply,
2 and

3 “(ii) the reduction under paragraph
4 (1)(A) for such contribution shall be no
5 greater than the amount (if any) by which
6 the amount of such contribution exceeds
7 twice the basis of such food.

8 “(C) DETERMINATION OF BASIS.—For
9 purposes of this paragraph, if a taxpayer uses
10 the cash method of accounting, the basis of any
11 qualified contribution of such taxpayer shall be
12 deemed to be 50 percent of the fair market
13 value of such contribution.

14 “(D) DETERMINATION OF FAIR MARKET
15 VALUE.—In the case of a charitable contribu-
16 tion of food which is a qualified contribution
17 (within the meaning of paragraph (3), as modi-
18 fied by subparagraphs (A) and (B) of this para-
19 graph) and which, solely by reason of internal
20 standards of the taxpayer, lack of market, or
21 similar circumstances, or which is produced by
22 the taxpayer exclusively for the purposes of
23 transferring the food to an organization de-
24 scribed in paragraph (3)(A), cannot or will not

1 be sold, the fair market value of such contribu-
 2 tion shall be determined—

3 “(i) without regard to such internal
 4 standards, such lack of market, such cir-
 5 cumstances, or such exclusive purpose, and

6 “(ii) if applicable, by taking into ac-
 7 count the price at which the same or simi-
 8 lar food items are sold by the taxpayer at
 9 the time of the contribution (or, if not so
 10 sold at such time, in the recent past).

11 “(E) TERMINATION.—This paragraph
 12 shall not apply to any contribution made during
 13 any taxable year beginning after December 31,
 14 2003.”.

15 (b) EFFECTIVE DATE.—The amendment made by
 16 subsection (a) shall apply to taxable years beginning after
 17 December 31, 2000.

18 **SEC. 407. INCOME AVERAGING FOR FARMERS AND FISHER-**
 19 **MEN NOT TO INCREASE ALTERNATIVE MIN-**
 20 **IMUM TAX LIABILITY.**

21 (a) IN GENERAL.—Section 55(c) (defining regular
 22 tax) is amended by redesignating paragraph (2) as para-
 23 graph (3) and by inserting after paragraph (1) the fol-
 24 lowing new paragraph:

1 “(2) COORDINATION WITH INCOME AVERAGING
2 FOR FARMERS AND FISHERMEN.—Solely for pur-
3 poses of this section, section 1301 (relating to aver-
4 aging of farm and fishing income) shall not apply in
5 computing the regular tax.”.

6 (b) ALLOWING INCOME AVERAGING FOR FISHER-
7 MEN.—

8 (1) IN GENERAL.—Section 1301(a) is amended
9 by striking “farming business” and inserting “farm-
10 ing business or fishing business”.

11 (2) DEFINITION OF ELECTED FARM INCOME.—

12 (A) IN GENERAL.—Clause (i) of section
13 1301(b)(1)(A) is amended by inserting “or fish-
14 ing business” before the semicolon.

15 (B) CONFORMING AMENDMENT.—Subpara-
16 graph (B) of section 1301(b)(1) is amended by
17 inserting “or fishing business” after “farming
18 business” both places it occurs.

19 (3) DEFINITION OF FISHING BUSINESS.—Sec-
20 tion 1301(b) is amended by adding at the end the
21 following new paragraph:

22 “(4) FISHING BUSINESS.—The term ‘fishing
23 business’ means the conduct of commercial fishing
24 as defined in section 3 of the Magnuson-Stevens

1 Fishery Conservation and Management Act (16
2 U.S.C. 1802).”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to taxable years beginning after
5 December 31, 2000.

6 **SEC. 408. COOPERATIVE MARKETING INCLUDES VALUE-**
7 **ADDED PROCESSING THROUGH ANIMALS.**

8 (a) IN GENERAL.—Section 1388 (relating to defini-
9 tions and special rules) is amended by adding at the end
10 the following new subsection:

11 “(k) COOPERATIVE MARKETING INCLUDES VALUE-
12 ADDED PROCESSING THROUGH ANIMALS.—For purposes
13 of section 521 and this subchapter, the term ‘marketing
14 the products of members or other producers’ includes feed-
15 ing the products of members or other producers to cattle,
16 hogs, fish, chickens, or other animals and selling the re-
17 sulting animals or animal products.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to taxable years beginning after
20 the date of the enactment of this Act.

21 **SEC. 409. DECLARATORY JUDGMENT RELIEF FOR SECTION**
22 **521 COOPERATIVES.**

23 (a) IN GENERAL.—Section 7428(a)(1) (relating to
24 declaratory judgments of tax exempt organizations) is

1 amended by striking “or” at the end of subparagraph (B)
 2 and by adding at the end the following new subparagraph:

3 “(D) with respect to the initial qualifica-
 4 tion or continuing qualification of a cooperative
 5 as described in section 521(b) which is exempt
 6 from tax under section 521(a), or”.

7 (b) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply with respect to pleadings filed after
 9 the date of the enactment of this Act but only with respect
 10 to determinations (or requests for determinations) made
 11 after January 1, 2000.

12 **SEC. 410. SMALL ETHANOL PRODUCER CREDIT.**

13 (a) ALLOCATION OF ALCOHOL FUELS CREDIT TO
 14 PATRONS OF A COOPERATIVE.—Section 40(g) (relating to
 15 alcohol used as fuel) is amended by adding at the end the
 16 following new paragraph:

17 “(6) ALLOCATION OF SMALL ETHANOL PRO-
 18 DUCER CREDIT TO PATRONS OF COOPERATIVE.—

19 “(A) ELECTION TO ALLOCATE.—

20 “(i) IN GENERAL.—In the case of a
 21 cooperative organization described in sec-
 22 tion 1381(a), any portion of the credit de-
 23 termined under subsection (a)(3) for the
 24 taxable year may, at the election of the or-
 25 ganization, be apportioned pro rata among

1 patrons of the organization on the basis of
2 the quantity or value of business done with
3 or for such patrons for the taxable year.

4 “(ii) FORM AND EFFECT OF ELEC-
5 TION.—An election under clause (i) for any
6 taxable year shall be made on a timely
7 filed return for such year. Such election,
8 once made, shall be irrevocable for such
9 taxable year.

10 “(B) TREATMENT OF ORGANIZATIONS AND
11 PATRONS.—The amount of the credit appor-
12 tioned to patrons under subparagraph (A)—

13 “(i) shall not be included in the
14 amount determined under subsection (a)
15 with respect to the organization for the
16 taxable year,

17 “(ii) shall be included in the amount
18 determined under subsection (a) for the
19 taxable year of each patron for which the
20 patronage dividends for the taxable year
21 described in subparagraph (A) are included
22 in gross income, and

23 “(iii) shall be included in gross income
24 of such patrons for the taxable year in the

1 manner and to the extent provided in sec-
2 tion 87.

3 “(C) SPECIAL RULES FOR DECREASE IN
4 CREDITS FOR TAXABLE YEAR.—If the amount
5 of the credit of a cooperative organization de-
6 termined under subsection (a)(3) for a taxable
7 year is less than the amount of such credit
8 shown on the return of the cooperative organi-
9 zation for such year, an amount equal to the
10 excess of—

11 “(i) such reduction, over

12 “(ii) the amount not apportioned to
13 such patrons under subparagraph (A) for
14 the taxable year,

15 shall be treated as an increase in tax imposed
16 by this chapter on the organization. Such in-
17 crease shall not be treated as tax imposed by
18 this chapter for purposes of determining the
19 amount of any credit under this subpart or sub-
20 part A, B, E, or G.”.

21 (b) IMPROVEMENTS TO SMALL ETHANOL PRODUCER

22 CREDIT.—

23 (1) SMALL ETHANOL PRODUCER CREDIT NOT A
24 PASSIVE ACTIVITY CREDIT.—Clause (i) of section
25 469(d)(2)(A) is amended by striking “subpart D”

1 and inserting “subpart D, other than section
2 40(a)(3),”.

3 (2) ALLOWING CREDIT AGAINST MINIMUM
4 TAX.—

5 (A) IN GENERAL.—Subsection (c) of sec-
6 tion 38 (relating to limitation based on amount
7 of tax) is amended by redesignating paragraph
8 (3) as paragraph (4) and by inserting after
9 paragraph (2) the following new paragraph:

10 “(3) SPECIAL RULES FOR SMALL ETHANOL
11 PRODUCER CREDIT.—

12 “(A) IN GENERAL.—In the case of the
13 small ethanol producer credit—

14 “(i) this section and section 39 shall
15 be applied separately with respect to the
16 credit, and

17 “(ii) in applying paragraph (1) to the
18 credit—

19 “(I) subparagraphs (A) and (B)
20 thereof shall not apply, and

21 “(II) the limitation under para-
22 graph (1) (as modified by subclause
23 (I)) shall be reduced by the credit al-
24 lowed under subsection (a) for the

1 taxable year (other than the small
2 ethanol producer credit).

3 “(B) SMALL ETHANOL PRODUCER CRED-
4 IT.—For purposes of this subsection, the term
5 ‘small ethanol producer credit’ means the credit
6 allowable under subsection (a) by reason of sec-
7 tion 40(a)(3).”.

8 (B) CONFORMING AMENDMENT.—Sub-
9 clause (II) of section 38(c)(2)(A)(ii) is amended
10 by striking “(other” and all that follows
11 through “credit)” and inserting “(other than
12 the empowerment zone employment credit or
13 the small ethanol producer credit)”.

14 (3) SMALL ETHANOL PRODUCER CREDIT NOT
15 ADDED BACK TO INCOME UNDER SECTION 87.—Sec-
16 tion 87 (relating to income inclusion of alcohol fuel
17 credit) is amended to read as follows:

18 **“SEC. 87. ALCOHOL FUEL CREDIT.**

19 “Gross income includes an amount equal to the sum
20 of—

21 “(1) the amount of the alcohol mixture credit
22 determined with respect to the taxpayer for the tax-
23 able year under section 40(a)(1), and

1 “(2) the alcohol credit determined with respect
2 to the taxpayer for the taxable year under section
3 40(a)(2).”.

4 (c) CONFORMING AMENDMENT.—Section 1388 (re-
5 lating to definitions and special rules for cooperative orga-
6 nizations), as amended by section 408, is amended by add-
7 ing at the end the following new subsection:

8 “(1) CROSS REFERENCE.—For provisions relating to
9 the apportionment of the alcohol fuels credit between coop-
10 erative organizations and their patrons, see section
11 40(g)(6).”.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to taxable years beginning after
14 the date of the enactment of this Act.

15 **SEC. 411. PAYMENT OF DIVIDENDS ON STOCK OF COOPERA-**
16 **TIVES WITHOUT REDUCING PATRONAGE**
17 **DIVIDENDS.**

18 (a) IN GENERAL.—Subsection (a) of section 1388
19 (relating to patronage dividend defined) is amended by
20 adding at the end the following new sentence: “For pur-
21 poses of paragraph (3), net earnings shall not be reduced
22 by amounts paid during the year as dividends on capital
23 stock or other proprietary capital interests of the organiza-
24 tion to the extent that the articles of incorporation or by-
25 laws of such organization or other contract with patrons

1 provide that such dividends are in addition to amounts
 2 otherwise payable to patrons which are derived from busi-
 3 ness done with or for patrons during the taxable year.”.

4 (b) EFFECTIVE DATE.—The amendment made by
 5 this section shall apply to distributions in taxable years
 6 beginning after the date of the enactment of this Act.

7 **TITLE V—ENERGY PROVISIONS**

8 **SEC. 501. ELECTION TO EXPENSE GEOLOGICAL AND GEO-** 9 **PHYSICAL EXPENDITURES.**

10 (a) IN GENERAL.—Section 263 (relating to capital
 11 expenditures) is amended by adding at the end the fol-
 12 lowing new subsection:

13 “(j) GEOLOGICAL AND GEOPHYSICAL EXPENDI-
 14 TURES FOR DOMESTIC OIL AND GAS WELLS.—Notwith-
 15 standing subsection (a), a taxpayer may elect to treat geo-
 16 logical and geophysical expenses incurred in connection
 17 with the exploration for, or development of, oil or gas with-
 18 in the United States (as defined in section 638) as ex-
 19 penses which are not chargeable to capital account. Any
 20 expenses so treated shall be allowed as a deduction in the
 21 taxable year in which paid or incurred.”.

22 (b) CONFORMING AMENDMENT.—Section 263A(e)(3)
 23 is amended by inserting “263(j),” after “263(i),”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to expenses paid or incurred in
3 taxable years beginning after December 31, 2001.

4 **SEC. 502. ELECTION TO EXPENSE DELAY RENTAL PAY-**
5 **MENTS**

6 (a) IN GENERAL.—Section 263 (relating to capital
7 expenditures), as amended by section 501(a), is amended
8 by adding at the end the following new subsection:

9 “(k) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL
10 AND GAS WELLS.—

11 “(1) IN GENERAL.—Notwithstanding subsection
12 (a), a taxpayer may elect to treat delay rental pay-
13 ments incurred in connection with the development
14 of oil or gas within the United States (as defined in
15 section 638) as payments which are not chargeable
16 to capital account. Any payments so treated shall be
17 allowed as a deduction in the taxable year in which
18 paid or incurred.

19 “(2) DELAY RENTAL PAYMENTS.—For purposes
20 of paragraph (1), the term ‘delay rental payment’
21 means an amount paid for the privilege of deferring
22 development of an oil or gas well.”.

23 (b) CONFORMING AMENDMENT.—Section
24 263A(c)(3), as amended by section 501(b), is amended by
25 inserting “263(k),” after “263(j),”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to payments made or incurred in
 3 taxable years beginning after December 31, 2001.

4 **SEC. 503. 5-YEAR NET OPERATING LOSS CARRYBACK FOR**
 5 **LOSSES ATTRIBUTABLE TO OPERATING MIN-**
 6 **ERAL INTERESTS OF INDEPENDENT OIL AND**
 7 **GAS PRODUCERS.**

8 (a) IN GENERAL.—Paragraph (1) of section 172(b)
 9 (relating to years to which loss may be carried) is amended
 10 by adding at the end the following new subparagraph:

11 “(H) LOSSES ON OPERATING MINERAL IN-
 12 TERESTS OF INDEPENDENT OIL AND GAS PRO-
 13 DUCERS.—In the case of a taxpayer—

14 “(i) which has an eligible oil and gas
 15 loss (as defined in subsection (j)) for a tax-
 16 able year, and

17 “(ii) which is not an integrated oil
 18 company (as defined in section 291(b)(4)),
 19 such eligible oil and gas loss shall be a net op-
 20 erating loss carryback to each of the 5 taxable
 21 years preceding the taxable year of such loss.”.

22 (b) ELIGIBLE OIL AND GAS LOSS.—Section 172 is
 23 amended by redesignating subsection (j) as subsection (k)
 24 and by inserting after subsection (i) the following new sub-
 25 section:

1 “(j) ELIGIBLE OIL AND GAS LOSS.—For purposes of
2 this section—

3 “(1) IN GENERAL.—The term ‘eligible oil and
4 gas loss’ means the lesser of—

5 “(A) the amount which would be the net
6 operating loss for the taxable year if only in-
7 come and deductions attributable to operating
8 mineral interests (as defined in section 614(d))
9 in oil and gas wells are taken into account, or

10 “(B) the amount of the net operating loss
11 for such taxable year.

12 “(2) COORDINATION WITH SUBSECTION
13 (b)(2).—For purposes of applying subsection (b)(2),
14 an eligible oil and gas loss for any taxable year shall
15 be treated in a manner similar to the manner in
16 which a specified liability loss is treated.

17 “(3) ELECTION.—Any taxpayer entitled to a 5-
18 year carryback under subsection (b)(1)(H) from any
19 loss year may elect to have the carryback period
20 with respect to such loss year determined without re-
21 gard to subsection (b)(1)(H).”.

22 “(c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to net operating losses for taxable
24 years beginning after December 31, 2001.

1 **SEC. 504. TEMPORARY SUSPENSION OF PERCENTAGE OF**
2 **DEPLETION DEDUCTION LIMITATION BASED**
3 **ON 65 PERCENT OF TAXABLE INCOME.**

4 (a) IN GENERAL.—Section 613A(d)(1) (relating to
5 limitation based on taxable income) is amended by adding
6 at the end the following new sentence: “This paragraph
7 shall not apply for taxable years beginning after December
8 31, 2000, and before January 1, 2004.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall apply to taxable years beginning after
11 December 31, 2000.

12 **SEC. 505. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND**
13 **NATURAL GAS WELL PRODUCTION.**

14 (a) IN GENERAL.—Subpart D of part IV of sub-
15 chapter A of chapter 1 (relating to business credits), as
16 amended by section 131(a), is amended by adding at the
17 end the following new section:

18 **“SEC. 45E. CREDIT FOR PRODUCING OIL AND GAS FROM**
19 **MARGINAL WELLS.**

20 “(a) GENERAL RULE.—For purposes of section 38,
21 the marginal well production credit for any taxable year
22 is an amount equal to the product of—

23 “(1) the credit amount, and

24 “(2) the qualified crude oil production and the
25 qualified natural gas production which is attrib-
26 utable to the taxpayer.

1 “(b) CREDIT AMOUNT.—For purposes of this
2 section—

3 “(1) IN GENERAL.—The credit amount is—

4 “(A) \$3 per barrel of qualified crude oil
5 production, and

6 “(B) 50 cents per 1,000 cubic feet of
7 qualified natural gas production.

8 “(2) REDUCTION AS OIL AND GAS PRICES IN-
9 CREASE.—

10 “(A) IN GENERAL.—The \$3 and 50 cents
11 amounts under paragraph (1) shall each be re-
12 duced (but not below zero) by an amount which
13 bears the same ratio to such amount (deter-
14 mined without regard to this paragraph) as—

15 “(i) the excess (if any) of the applica-
16 ble reference price over \$14 (\$1.56 for
17 qualified natural gas production), bears to

18 “(ii) \$3 (\$0.33 for qualified natural
19 gas production).

20 The applicable reference price for a taxable
21 year is the reference price for the calendar year
22 preceding the calendar year in which the tax-
23 able year begins.

24 “(B) INFLATION ADJUSTMENT.—In the
25 case of any taxable year beginning in a calendar

1 year after 2001, each of the dollar amounts
2 contained in subparagraph (A) shall be in-
3 creased to an amount equal to such dollar
4 amount multiplied by the inflation adjustment
5 factor for such calendar year (determined under
6 section 43(b)(3)(B) by substituting ‘2000’ for
7 ‘1990’).

8 “(C) REFERENCE PRICE.—For purposes of
9 this paragraph, the term ‘reference price’
10 means, with respect to any calendar year—

11 “(i) in the case of qualified crude oil
12 production, the reference price determined
13 under section 29(d)(2)(C), and

14 “(ii) in the case of qualified natural
15 gas production, the Secretary’s estimate of
16 the annual average wellhead price per
17 1,000 cubic feet for all domestic natural
18 gas.

19 “(c) QUALIFIED CRUDE OIL AND NATURAL GAS
20 PRODUCTION.—For purposes of this section—

21 “(1) IN GENERAL.—The terms ‘qualified crude
22 oil production’ and ‘qualified natural gas production’
23 mean domestic crude oil or natural gas which is pro-
24 duced from a marginal well.

1 “(2) LIMITATION ON AMOUNT OF PRODUCTION
2 WHICH MAY QUALIFY.—

3 “(A) IN GENERAL.—Crude oil or natural
4 gas produced during any taxable year from any
5 well shall not be treated as qualified crude oil
6 production or qualified natural gas production
7 to the extent production from the well during
8 the taxable year exceeds 1,095 barrels or barrel
9 equivalents.

10 “(B) PROPORTIONATE REDUCTIONS.—

11 “(i) SHORT TAXABLE YEARS.—In the
12 case of a short taxable year, the limitations
13 under this paragraph shall be proportion-
14 ately reduced to reflect the ratio which the
15 number of days in such taxable year bears
16 to 365.

17 “(ii) WELLS NOT IN PRODUCTION EN-
18 TIRE YEAR.—In the case of a well which is
19 not capable of production during each day
20 of a taxable year, the limitations under
21 this paragraph applicable to the well shall
22 be proportionately reduced to reflect the
23 ratio which the number of days of produc-
24 tion bears to the total number of days in
25 the taxable year.

1 “(3) DEFINITIONS.—

2 “(A) MARGINAL WELL.—The term ‘mar-
3 ginal well’ means a domestic well—

4 “(i) the production from which during
5 the taxable year is treated as marginal
6 production under section 613A(c)(6), or

7 “(ii) which, during the taxable year—

8 “(I) has average daily production
9 of not more than 25 barrel equiva-
10 lents, and

11 “(II) produces water at a rate
12 not less than 95 percent of total well
13 effluent.

14 “(B) CRUDE OIL, ETC.—The terms ‘crude
15 oil’, ‘natural gas’, ‘domestic’, and ‘barrel’ have
16 the meanings given such terms by section
17 613A(e).

18 “(C) BARREL EQUIVALENT.—The term
19 ‘barrel equivalent’ means, with respect to nat-
20 ural gas, a conversion ratio of 6,000 cubic feet
21 of natural gas to 1 barrel of crude oil.

22 “(d) OTHER RULES.—

23 “(1) PRODUCTION ATTRIBUTABLE TO THE TAX-
24 PAYER.—In the case of a marginal well in which
25 there is more than one owner of operating interests

1 in the well and the crude oil or natural gas produc-
2 tion exceeds the limitation under subsection (c)(2),
3 qualifying crude oil production or qualifying natural
4 gas production attributable to the taxpayer shall be
5 determined on the basis of the ratio which tax-
6 payer's revenue interest in the production bears to
7 the aggregate of the revenue interests of all oper-
8 ating interest owners in the production.

9 “(2) OPERATING INTEREST REQUIRED.—Any
10 credit under this section may be claimed only on
11 production which is attributable to the holder of an
12 operating interest.

13 “(3) PRODUCTION FROM NONCONVENTIONAL
14 SOURCES EXCLUDED.—In the case of production
15 from a marginal well which is eligible for the credit
16 allowed under section 29 for the taxable year, no
17 credit shall be allowable under this section unless
18 the taxpayer elects not to claim credit under section
19 29 with respect to the well.”.

20 (b) CREDIT TREATED AS BUSINESS CREDIT.—Sec-
21 tion 38(b), as amended by section 131(b)(1), is amended
22 by striking “plus” at the end of paragraph (12), by strik-
23 ing the period at the end of paragraph (13) and inserting
24 “, plus”, and by adding at the end of the following new
25 paragraph:

1 “(14) the marginal oil and gas well production
2 credit determined under section 45E(a).”.

3 (c) CREDIT ALLOWED AGAINST REGULAR AND MIN-
4 IMUM TAX.—

5 (1) IN GENERAL.—Subsection (c) of section 38
6 (relating to limitation based on amount of tax), as
7 amended by section 410(b)(2)(A), is amended by re-
8 designating paragraph (4) as paragraph (5) and by
9 inserting after paragraph (3) the following new
10 paragraph:

11 “(4) SPECIAL RULES FOR MARGINAL OIL AND
12 GAS WELL PRODUCTION CREDIT.—

13 “(A) IN GENERAL.—In the case of the
14 marginal oil and gas well production credit—

15 “(i) this section and section 39 shall
16 be applied separately with respect to the
17 credit, and

18 “(ii) in applying paragraph (1) to the
19 credit—

20 “(I) subparagraphs (A) and (B)
21 thereof shall not apply, and

22 “(II) the limitation under para-
23 graph (1) (as modified by subclause
24 (I)) shall be reduced by the credit al-
25 lowed under subsection (a) for the

1 taxable year (other than the marginal
2 oil and gas well production credit).

3 “(B) MARGINAL OIL AND GAS WELL PRO-
4 DUCATION CREDIT.—For purposes of this sub-
5 section, the term ‘marginal oil and gas well pro-
6 duction credit’ means the credit allowable under
7 subsection (a) by reason of section 45E(a).”.

8 (2) CONFORMING AMENDMENTS.—

9 (A) Subclause (II) of section
10 38(c)(2)(A)(ii), as amended by section
11 410(b)(2)(B), is amended by striking “or the
12 small ethanol producer credit” and inserting “,
13 the small ethanol producer credit, or the mar-
14 ginal oil and gas well production credit”.

15 (B) Subclause (II) of section
16 38(c)(3)(A)(ii), as added by section
17 410(b)(2)(A), is amended by inserting “or the
18 marginal oil and gas well production credit”
19 after “the small ethanol producer credit”.

20 (d) CARRYBACK.—Subsection (a) of section 39 (relat-
21 ing to carryback and carryforward of unused credits gen-
22 erally) is amended by adding at the end the following new
23 paragraph—

1 “(3) 10-YEAR CARRYBACK FOR MARGINAL OIL
2 AND GAS WELL PRODUCTION CREDIT.—In the case
3 of the marginal oil and gas well production credit—

4 “(A) this section shall be applied sepa-
5 rately from the business credit (other than the
6 marginal oil and gas well production credit),

7 “(B) paragraph (1) shall be applied by
8 substituting ‘10 taxable year’ for ‘1 taxable
9 year’ in subparagraph (A) thereof, and

10 “(C) paragraph (2) shall be applied—

11 “(i) by substituting ‘31 taxable years’
12 for ‘21 taxable years’ in subparagraph (A)
13 thereof, and

14 “(ii) by substituting ‘30 taxable years’
15 for ‘20 taxable years’ in subparagraph (B)
16 thereof.”.

17 (e) COORDINATION WITH SECTION 29.—Section
18 29(a) is amended by striking “There” and inserting “At
19 the election of the taxpayer, there”.

20 (f) CLERICAL AMENDMENT—The table of sections
21 for subpart D of part IV of subchapter A of chapter 1,
22 as amended by section 131(d), is amended by adding at
23 the end the following item:

 “Sec. 45E. Credit for producing oil and gas from marginal
 wells.”.

1 (g) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to production in taxable years be-
3 ginning after December 31, 2000.

4 **SEC. 506. NATURAL GAS GATHERING LINES TREATED AS 7-**
5 **YEAR PROPERTY.**

6 (a) IN GENERAL.—Subparagraph (C) of section
7 168(e)(3) (relating to classification of certain property) is
8 amended by redesignating clause (ii) as clause (iii) and
9 by inserting after clause (i) the following new clause:

10 “(ii) any natural gas gathering line,
11 and”.

12 (b) NATURAL GAS GATHERING LINE.—Subsection (i)
13 of section 168 is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(15) NATURAL GAS GATHERING LINE.—The
16 term ‘natural gas gathering line’ means—

17 “(A) the pipe, equipment, and appur-
18 tenances determined to be a gathering line by
19 the Federal Energy Regulatory Commission, or

20 “(B) the pipe, equipment, and appur-
21 tenances used to deliver natural gas from the
22 wellhead or a common point to the point at
23 which such gas first reaches—

24 “(i) a gas processing plant,

1 “(ii) an interconnection with a trans-
2 mission pipeline certificated by the Federal
3 Energy Regulatory Commission as an
4 interstate transmission pipeline,

5 “(iii) an interconnection with an
6 intrastate transmission pipeline, or

7 “(iv) a direct interconnection with a
8 local distribution company, a gas storage
9 facility, or an industrial consumer.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to property placed in service on
12 or after the date of the enactment of this Act.

13 **SEC. 507. CLARIFICATION OF TREATMENT OF PIPELINE**
14 **TRANSPORTATION INCOME.**

15 (a) IN GENERAL.—Section 954(g)(1) (defining for-
16 eign base company oil related income) is amended by strik-
17 ing “or” at the end of subparagraph (A), by striking the
18 period at the end of subparagraph (B) and inserting “,
19 or”, and by inserting after subparagraph (B) the following
20 new subparagraph:

21 “(C) the pipeline transportation of oil or
22 gas within such foreign country.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply to taxable years of controlled for-
25 eign corporations beginning after December 31, 2001, and

1 taxable years of United States shareholders with or within
2 which such taxable years of controlled foreign corporations
3 end.

4 **TITLE VI—CONSERVATION** 5 **PROVISIONS**

6 **SEC. 601. EXCLUSION OF 50 PERCENT OF GAIN ON SALES**
7 **OF LAND OR INTERESTS IN LAND OR WATER**
8 **TO ELIGIBLE ENTITIES FOR CONSERVATION**
9 **PURPOSES.**

10 (a) IN GENERAL.—Part III of subchapter B of chap-
11 ter 1 (relating to items specifically excluded from gross
12 income) is amended by inserting after section 121 the fol-
13 lowing new section:

14 **“SEC. 121A. 50-PERCENT EXCLUSION OF GAIN ON SALES OF**
15 **LAND OR INTERESTS IN LAND OR WATER TO**
16 **ELIGIBLE ENTITIES FOR CONSERVATION**
17 **PURPOSES.**

18 “(a) EXCLUSION.—Gross income shall not include 50
19 percent of any gain from the sale of land or an interest
20 in land or water (determined without regard to any im-
21 provements) to an eligible entity if—

22 “(1) such land or interest in land or water was
23 owned by the taxpayer or a member of the tax-
24 payer’s family (as defined in section 2032A(e)(2)) at

1 all times during the 3-year period ending on the date
2 of the sale, and

3 “(2) such land or interest in land or water is
4 being acquired by an eligible entity which provides
5 the taxpayer, at the time of acquisition, a written
6 letter of intent which shall include the following
7 statement: ‘The purchaser’s intent is that this acqui-
8 sition will serve 1 or more of the conservation pur-
9 poses specified in clause (i), (ii), or (iii) of section
10 170(h)(4)(A).’

11 “(b) ELIGIBLE ENTITY.—For purposes of this sec-
12 tion, the term ‘eligible entity’ means—

13 “(1) any agency of the United States or of any
14 State or local government, or

15 “(2) any other organization that—

16 “(A) is organized and at all times operated
17 principally for 1 or more of the conservation
18 purposes specified in clause (i), (ii), or (iii) of
19 section 170(h)(4)(A), and

20 “(B) is described in section 170(h)(3).

21 “(c) STOCK IN HOLDING CORPORATIONS.—For pur-
22 poses of this section, the term ‘land or an interest in land
23 or water’ shall include stock in any corporation, if the fair
24 market value of the corporation’s land or interests in land
25 or water equals or exceeds 90 percent of the fair market

1 value of all of such corporation's assets at all times during
2 the 3-year period ending on the date of the sale.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for part III of subchapter B of chapter 1 is amended by
5 inserting after the item relating to section 121 the fol-
6 lowing new item:

“Sec. 121A. 50-percent exclusion of gain on sales of land or interests in land
or water to eligible entities for conservation purposes.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to sales occurring on or after De-
9 cember 31, 2003.

10 **SEC. 602. EXPANSION OF ESTATE TAX EXCLUSION FOR**
11 **REAL PROPERTY SUBJECT TO QUALIFIED**
12 **CONSERVATION EASEMENT.**

13 (a) REPEAL OF CERTAIN RESTRICTIONS ON WHERE
14 LAND IS LOCATED.—Clause (i) of section 2031(c)(8)(A)
15 (defining land subject to a qualified conservation ease-
16 ment) is amended to read as follows:

17 “(i) which is located in the United
18 States or any possession of the United
19 States,”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to estates of decedents dying after
22 December 31, 2001.

1 **SEC. 603. TAX EXCLUSION FOR COST-SHARING PAYMENTS**
2 **UNDER PARTNERS FOR WILDLIFE PROGRAM.**

3 (a) IN GENERAL.—Section 126(a) (relating to cer-
4 tain cost-sharing payments) is amended by redesignating
5 paragraph (10) as paragraph (11) and by inserting after
6 paragraph (9) the following new paragraph:

7 “(10) The Partners for Fish and Wildlife Pro-
8 gram authorized by the Fish and Wildlife Act of
9 1956 (16 U.S.C. 742a et seq.).”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to payments received after the date
12 of the enactment of this Act.

13 **SEC. 604. INCENTIVE FOR CERTAIN ENERGY EFFICIENT**
14 **PROPERTY USED IN BUSINESS.**

15 (a) IN GENERAL.—Part VI of subchapter B of chap-
16 ter 1 is amended by adding at the end the following new
17 section:

18 **“SEC. 199. ENERGY PROPERTY DEDUCTION.**

19 “(a) DEDUCTION ALLOWED.—

20 “(1) IN GENERAL.—There shall be allowed as a
21 deduction for the taxable year an amount equal to
22 the amount of energy efficient commercial building
23 expenditures made by the taxpayer for the taxable
24 year.

25 “(2) MAXIMUM AMOUNT OF DEDUCTION.—The
26 amount of energy efficient commercial building prop-

1 erty expenditures taken into account under para-
2 graph (1) shall not exceed an amount equal to the
3 product of—

4 “(A) \$2.25, and

5 “(B) the square footage of the building
6 with respect to which the expenditures are
7 made.

8 “(3) YEAR DEDUCTION ALLOWED.—The deduc-
9 tion under paragraph (1) shall be allowed in the tax-
10 able year in which the construction of the building
11 is completed.

12 “(b) ENERGY EFFICIENT COMMERCIAL BUILDING
13 PROPERTY EXPENDITURES.—For purposes of this sec-
14 tion, the term ‘energy efficient commercial building prop-
15 erty expenditures’ means an amount paid or incurred for
16 energy efficient commercial building property installed on
17 or in connection with new construction or reconstruction
18 of property—

19 “(1) for which depreciation is allowable under
20 section 167,

21 “(2) which is located in the United States, and

22 “(3) the construction or erection of which is
23 completed by the taxpayer.

24 Such property includes all residential rental property, in-
25 cluding low-rise multifamily structures and single family

1 housing property which is not within the scope of Stand-
2 ard 90.1–1999 (as described in subsection (c)(1)). Such
3 term includes expenditures for labor costs properly allo-
4 cable to the onsite preparation, assembly, or original in-
5 stallation of the property.

6 “(c) ENERGY EFFICIENT COMMERCIAL BUILDING
7 PROPERTY.—For purposes of subsection (b)—

8 “(1) IN GENERAL.—The term ‘energy efficient
9 commercial building property’ means any property
10 which reduces total annual energy and power costs
11 with respect to the lighting, heating, cooling, ventila-
12 tion, and hot water supply systems of the building
13 by 50 percent or more in comparison to a reference
14 building which meets the requirements of Standard
15 90.1–1999 of the American Society of Heating, Re-
16 frigerating, and Air Conditioning Engineers and the
17 Illuminating Engineering Society of North America
18 using methods of calculation under paragraph (2)
19 and certified by qualified professionals as provided
20 under subsection (f).

21 “(2) METHODS OF CALCULATION.—The Sec-
22 retary, in consultation with the Secretary of Energy,
23 shall promulgate regulations which describe in detail
24 methods for calculating and verifying energy and
25 power consumption and cost, taking into consider-

1 ation the provisions of the 1998 California Nonresi-
2 dential ACM Manual. These procedures shall meet
3 the following requirements:

4 “(A) In calculating tradeoffs and energy
5 performance, the regulations shall prescribe the
6 costs per unit of energy and power, such as kil-
7 owatt hour, kilowatt, gallon of fuel oil, and
8 cubic foot or Btu of natural gas, which may be
9 dependent on time of usage.

10 “(B) The calculational methodology shall
11 require that compliance be demonstrated for a
12 whole building. If some systems of the building,
13 such as lighting, are designed later than other
14 systems of the building, the method shall pro-
15 vide that either—

16 “(i) the expenses taken into account
17 under subsection (a) shall not occur until
18 the date designs for all energy-using sys-
19 tems of the building are completed,

20 “(ii) the energy performance of all
21 systems and components not yet designed
22 shall be assumed to comply minimally with
23 the requirements of such Standard 90.1–
24 1999, or

1 “(iii) the expenses taken into account
2 under subsection (a) shall be a fraction of
3 such expenses based on the performance of
4 less than all energy-using systems in ac-
5 cordance with subparagraph (C).

6 “(C) The expenditures in connection with
7 the design of subsystems in the building, such
8 as the envelope, the heating, ventilation, air
9 conditioning and water heating system, and the
10 lighting system shall be allocated to the appro-
11 priate building subsystem based on system-spe-
12 cific energy cost savings targets in regulations
13 promulgated by the Secretary of Energy which
14 are equivalent, using the calculation method-
15 ology, to the whole building requirement of 50
16 percent savings.

17 “(D) The calculational methods under this
18 paragraph need not comply fully with section
19 11 of such Standard 90.1–1999.

20 “(E) The calculational methods shall be
21 fuel neutral, such that the same energy effi-
22 ciency features shall qualify a building for the
23 deduction under this subsection regardless of
24 whether the heating source is a gas or oil fur-
25 nace or an electric heat pump.

1 “(F) The calculational methods shall pro-
2 vide appropriate calculated energy savings for
3 design methods and technologies not otherwise
4 credited in either such Standard 90.1–1999 or
5 in the 1998 California Nonresidential ACM
6 Manual, including the following:

7 “(i) Natural ventilation.

8 “(ii) Evaporative cooling.

9 “(iii) Automatic lighting controls such
10 as occupancy sensors, photocells, and time-
11 clocks.

12 “(iv) Daylighting.

13 “(v) Designs utilizing semi-condi-
14 tioned spaces that maintain adequate com-
15 fort conditions without air conditioning or
16 without heating.

17 “(vi) Improved fan system efficiency,
18 including reductions in static pressure.

19 “(vii) Advanced unloading mecha-
20 nisms for mechanical cooling, such as mul-
21 tiple or variable speed compressors.

22 “(viii) The calculational methods may
23 take into account the extent of commis-
24 sioning in the building, and allow the tax-

1 payer to take into account measured per-
2 formance that exceeds typical performance.

3 “(3) COMPUTER SOFTWARE.—

4 “(A) IN GENERAL.—Any calculation under
5 this subsection shall be prepared by qualified
6 computer software.

7 “(B) QUALIFIED COMPUTER SOFTWARE.—
8 For purposes of this paragraph, the term
9 ‘qualified computer software’ means software—

10 “(i) for which the software designer
11 has certified that the software meets all
12 procedures and detailed methods for calcu-
13 lating energy and power consumption and
14 costs as required by the Secretary,

15 “(ii) which provides such forms as re-
16 quired to be filed by the Secretary in con-
17 nection with energy efficiency of property
18 and the deduction allowed under this sec-
19 tion, and

20 “(iii) which provides a notice form
21 which summarizes the energy efficiency
22 features of the building and its projected
23 annual energy costs.

24 “(d) ALLOCATION OF DEDUCTION FOR PUBLIC
25 PROPERTY.—In the case of energy efficient commercial

1 building property installed on or in public property, the
2 Secretary shall promulgate regulations to allow the alloca-
3 tion of the deduction to the person primarily responsible
4 for designing the property in lieu of the public entity which
5 is the owner of such property. Such person shall be treated
6 as the taxpayer for purposes of this section.

7 “(e) NOTICE TO OWNER.—The qualified individual
8 shall provide an explanation to the owner of the building
9 regarding the energy efficiency features of the building
10 and its projected annual energy costs as provided in the
11 notice under subsection (c)(3)(B)(iii).

12 “(f) CERTIFICATION.—

13 “(1) IN GENERAL.—Except as provided in this
14 subsection, the Secretary, in consultation with the
15 Secretary of Energy, shall establish requirements for
16 certification and compliance procedures after exam-
17 ining the requirements for energy consultants and
18 home energy ratings providers specified by the Mort-
19 gage Industry National Accreditation Procedures for
20 Home Energy Rating Systems.

21 “(2) QUALIFIED INDIVIDUALS.—Individuals
22 qualified to determine compliance shall be only those
23 individuals who are recognized by an organization
24 certified by the Secretary for such purposes.

1 “(3) PROFICIENCY OF QUALIFIED INDIVID-
2 UALS.—The Secretary shall consult with nonprofit
3 organizations and State agencies with expertise in
4 energy efficiency calculations and inspections to de-
5 velop proficiency tests and training programs to
6 qualify individuals to determine compliance.

7 “(g) BASIS REDUCTION.—For purposes of this sub-
8 title, if a deduction is allowed under this section with re-
9 spect to any energy efficient commercial building property,
10 the basis of such property shall be reduced by the amount
11 of the deduction so allowed.

12 “(h) TERMINATION.—This section shall not apply
13 with respect to any taxable year beginning after December
14 31, 2003.”.

15 (b) CONFORMING AMENDMENT.—Section 1016(a), as
16 amended by section 211(b), is amended by striking “and”
17 at the end of paragraph (27), by striking the period at
18 the end of paragraph (28) and inserting “, and”, and by
19 inserting the following new paragraph:

20 “(29) for amounts allowed as a deduction under
21 section 199(a).”.

22 (c) CLERICAL AMENDMENT.—The table of sections
23 for part VI of subchapter B of chapter 1 is amended by
24 adding at the end the following new item:

 “Sec. 199. Energy property deduction.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2000.

4 **SEC. 605. EXTENSION AND MODIFICATION OF TAX CREDIT**
5 **FOR ELECTRICITY PRODUCED FROM BIO-**
6 **MASS.**

7 (a) EXTENSION AND MODIFICATION OF PLACED-IN-
8 SERVICE RULES.—

9 (1) IN GENERAL.—Section 45(c)(3) is amended
10 by adding at the end the following new subpara-
11 graphs:

12 “(D) BIOMASS FACILITY.—In the case of a
13 facility using biomass (other than closed-loop
14 biomass) to produce electricity, the term ‘quali-
15 fied facility’ means any facility owned by the
16 taxpayer which is originally placed in service be-
17 fore January 1, 2002.

18 “(E) LANDFILL GAS FACILITY.—

19 “(i) IN GENERAL.—In the case of a
20 facility using landfill gas to produce elec-
21 tricity, the term ‘qualified facility’ means
22 any facility of the taxpayer which is origi-
23 nally placed in service after December 31,
24 1999, and before January 1, 2002.

1 “(ii) SPECIAL RULE.—In the case of a
2 facility using landfill gas, such term shall
3 include equipment and housing (not includ-
4 ing wells and related systems required to
5 collect and transmit gas to the production
6 facility) required to generate electricity
7 which are owned by the taxpayer and so
8 placed in service.

9 “(F) SPECIAL RULE.—In the case of a
10 qualified facility described in subparagraph (D)
11 or (E), the period referred to in subsection
12 (a)(2)(A)(ii) shall be applied by substituting ‘3-
13 year’ for ‘10-year’ and shall be treated as be-
14 ginning no earlier than January 1, 2001.”.

15 (2) CLOSED-LOOP BIOMASS FACILITY.—Section
16 45(c)(3)(B) (relating to closed-loop biomass facility)
17 is amended by striking “owned by the taxpayer” and
18 all that follows and inserting “owned by the tax-
19 payer which is—”

20 “(i) originally placed in service after
21 December 31, 1992, and before January 1,
22 2002, or

23 “(ii) originally placed in service before
24 December 31, 1992, and modified to use
25 closed-loop biomass to co-fire with coal

1 after such date and before January 1,
2 2002.”.

3 (b) EXPANSION OF QUALIFIED ENERGY RE-
4 SOURCES.—

5 (1) IN GENERAL.—Section 45(c)(1) (defining
6 qualified energy resources) is amended by striking
7 “and” at the end of subparagraph (B), by striking
8 the period at the end of subparagraph (C) and in-
9 serting a comma, and by adding at the end the fol-
10 lowing new subparagraphs:

11 “(D) biomass (other than closed-loop bio-
12 mass), and

13 “(E) landfill gas.”.

14 (2) DEFINITIONS.—Section 45(c) is amended
15 by adding at the end the following new paragraphs:

16 “(5) BIOMASS.—The term ‘biomass’ means any
17 solid, nonhazardous, cellulosic waste material which
18 is segregated from other waste materials and which
19 is derived from—

20 “(A) any of the following forest-related re-
21 sources: mill residues, precommercial thinnings,
22 slash, and brush, but not including old-growth
23 timber,

24 “(B) urban sources, including waste pal-
25 lets, crates, and dunnage, manufacturing and

1 construction wood wastes, and landscape or
2 right-of-way tree trimmings, but not including
3 unsegregated municipal solid waste (garbage),
4 paper that is commonly recycled, or pressure
5 treated, chemically treated, or lead painted
6 wood wastes, or

7 “(C) agriculture sources, including orchard
8 tree crops, vineyard, grain, legumes, sugar, and
9 other crop by-products or residues.

10 “(6) LANDFILL GAS.—The term ‘landfill gas’
11 means gas from the decomposition of any household
12 solid waste, commercial solid waste, and industrial
13 solid waste disposed of in a municipal solid waste
14 landfill unit (as such terms are defined in regula-
15 tions promulgated under subtitle D of the Solid
16 Waste Disposal Act (42 U.S.C. 6941 et seq.)).”.

17 (c) SPECIAL RULES.—Section 45(d) (relating to defi-
18 nitions and special rules) is amended by adding at the end
19 the following new paragraph:

20 “(8) DENIAL OF DOUBLE BENEFIT.—No credit
21 shall be allowed under this section with respect to a
22 facility for any taxable year if the credit under sec-
23 tion 29 is allowed in such year or has been allowed
24 in any preceding taxable year with respect to any
25 fuel produced from such facility.”.

1 (d) CONFORMING AMENDMENT.—Section 29(d) (re-
2 lating to other definitions and special rules) is amended
3 by adding at the end the following new paragraph:

4 “(9) DENIAL OF DOUBLE BENEFIT.—No credit
5 shall be allowed under this section with respect to
6 any fuel produced from a facility for any taxable
7 year if the credit under section 45 is allowed in such
8 year or has been allowed in any preceding taxable
9 year with respect to such facility.”.

10 (e) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of the enactment
12 of this Act.

13 **SEC. 606. TAX CREDIT FOR CERTAIN ENERGY EFFICIENT**
14 **MOTOR VEHICLES.**

15 (a) IN GENERAL.—Subpart B of part IV of sub-
16 chapter A of chapter 1, as amended by section 160(a),
17 is amended by adding at the end the following new section:

18 **“SEC. 30C. CREDIT FOR HYBRID VEHICLES.**

19 “(a) ALLOWANCE OF CREDIT.—There shall be al-
20 lowed as a credit against the tax imposed by this chapter
21 for the taxable year an amount equal to the sum of the
22 credit amounts for each qualified hybrid vehicle placed in
23 service during the taxable year.

24 “(b) CREDIT AMOUNT.—For purposes of this
25 section—

1 “(1) IN GENERAL.—The credit amount for each
2 qualified hybrid vehicle with a rechargeable energy
3 storage system that provides the applicable percent-
4 age of the maximum available power shall be the
5 amount specified in the following table:

“Applicable percentage	Credit amount
Not less than 5 percent but less than 10 percent	\$500
Not less than 10 percent but less than 20 percent	\$1,000
Not less than 20 percent but less than 30 percent	\$1,500
Not less than 30 percent	\$2,000.

6 “(2) INCREASE IN CREDIT AMOUNT FOR RE-
7 GENERATIVE BRAKING SYSTEM.—In the case of a
8 qualified hybrid vehicle that actively employs a re-
9 generative braking system which supplies to the re-
10 chargeable energy storage system the applicable per-
11 centage of the energy available from braking in a
12 typical 60 miles per hour to 0 miles per hour brak-
13 ing event, the credit amount determined under this
14 section shall be increased by the amount specified in
15 the following table:

“Applicable percentage	Credit amount
Not less than 20 percent but less than 40 percent	\$250
Not less than 40 percent but less than 60 percent	\$500
Not less than 60 percent	\$1,000.

16 “(c) DEFINITIONS.—For purposes of this section—

17 “(1) QUALIFIED HYBRID VEHICLE.—The term
18 ‘qualified hybrid vehicle’ means an automobile that
19 meets all applicable regulatory requirements and
20 that can draw propulsion energy from both of the
21 following onboard sources of stored energy:

1 “(A) A consumable fuel.

2 “(B) A rechargeable energy storage sys-
3 tem.

4 “(2) MAXIMUM AVAILABLE POWER.—The term
5 ‘maximum available power’ means the maximum
6 value of the sum of the heat engine and electric
7 drive system power or other nonheat energy conver-
8 sion devices available for a driver’s command for
9 maximum acceleration at vehicle speeds under 75
10 miles per hour.

11 “(3) AUTOMOBILE.—The term ‘automobile’ has
12 the meaning given such term by section 4064(b)(1)
13 (without regard to subparagraphs (B) and (C) there-
14 of). A vehicle shall not fail to be treated as an auto-
15 mobile solely by reason of weight if such vehicle is
16 rated at 8,500 pounds gross vehicle weight rating or
17 less.

18 “(d) APPLICATION WITH OTHER CREDITS.—The
19 credit allowed by subsection (a) for any taxable year shall
20 not exceed the excess (if any) of—

21 “(1) the regular tax for the taxable year re-
22 duced by the sum of the credits allowable under sub-
23 part A and the preceding sections of this subpart,
24 over

1 “(2) the tentative minimum tax for the taxable
2 year.

3 “(e) SPECIAL RULES.—

4 “(1) BASIS REDUCTION.—The basis of any
5 property for which a credit is allowable under sub-
6 section (a) shall be reduced by the amount of such
7 credit (determined without regard to subsection (d)).

8 “(2) RECAPTURE.—The Secretary shall, by reg-
9 ulations, provide for recapturing the benefit of any
10 credit allowable under subsection (a) with respect to
11 any property which ceases to be property eligible for
12 such credit.

13 “(3) PROPERTY USED OUTSIDE UNITED
14 STATES, ETC., NOT QUALIFIED.—No credit shall be
15 allowed under this section with respect to—

16 “(A) any property for which a credit is al-
17 lowed under section 30,

18 “(B) any property referred to in section
19 50(b), or

20 “(C) any property taken into account
21 under section 179 or 179A.

22 “(4) ELECTION TO NOT TAKE CREDIT.—No
23 credit shall be allowed under subsection (a) for any
24 vehicle if the taxpayer elects to not have this section
25 apply to such vehicle.

1 “(f) REGULATIONS.—

2 “(1) TREASURY.—The Secretary shall prescribe
3 such regulations as may be necessary or appropriate
4 to carry out the purposes of this section.

5 “(2) ENVIRONMENTAL PROTECTION AGENCY.—

6 The Administrator of the Environmental Protection
7 Agency, in coordination with the Secretary of Trans-
8 portation and consistent with the laws administered
9 by such agency for automobiles, shall timely pre-
10 scribe such regulations as may be necessary or ap-
11 propriate solely for the purpose of specifying the
12 testing and calculation procedures to determine
13 whether a vehicle meets the qualifications for a cred-
14 it under this section.

15 “(g) APPLICATION OF SECTION.—This section shall
16 apply to any qualified hybrid vehicles placed in service
17 after December 31, 2003, and before January 1, 2005.”

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 53(d)(1)(B)(iii) is amended by in-
20 sserting “or not allowed under section 30C solely by
21 reason of the application of section 30C(d)(2)” after
22 “section 30(b)(3)(B)”.

23 (2) Section 55(c)(2) is amended by inserting
24 “30C(d),” after “30(b)(3),”.

1 (3) Subsection (a) of section 1016, as amended
 2 by section 604(b), is amended by striking “and” at
 3 the end of paragraph (28), by striking the period at
 4 the end of paragraph (29) and inserting “, and”,
 5 and by adding at the end the following new para-
 6 graph:

7 “(30) to the extent provided in section
 8 30C(e)(1).”.

9 (4) The table of sections for subpart B of part
 10 IV of subchapter A of chapter 1, as amended by sec-
 11 tion 160(b), is amended by adding at the end the
 12 following new item:

 “Sec. 30C. Credit for hybrid vehicles.”.

13 **TITLE VII—ADDITIONAL TAX** 14 **PROVISIONS**

15 **SEC. 701. LIMITATION ON USE OF NONACCRUAL EXPERI-** 16 **ENCE METHOD OF ACCOUNTING.**

17 (a) IN GENERAL.—Section 448(d)(5) (relating to
 18 special rule for services) is amended—

19 (1) by inserting “in fields described in para-
 20 graph (2)(A)” after “services by such person”, and

21 (2) by inserting “CERTAIN PERSONAL” before
 22 “SERVICES” in the heading.

23 (b) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
2 this section shall apply to taxable years ending after
3 the date of the enactment of this Act.

4 (2) CHANGE IN METHOD OF ACCOUNTING.—In
5 the case of any taxpayer required by the amend-
6 ments made by this section to change its method of
7 accounting for its first taxable year ending after the
8 date of the enactment of this Act—

9 (A) such change shall be treated as initi-
10 ated by the taxpayer,

11 (B) such change shall be treated as made
12 with the consent of the Secretary of the Treas-
13 ury, and

14 (C) the net amount of the adjustments re-
15 quired to be taken into account by the taxpayer
16 under section 481 of the Internal Revenue Code
17 of 1986 shall be taken into account over a pe-
18 riod (not greater than 4 taxable years) begin-
19 ning with such first taxable year.

20 **SEC. 702. REPEAL OF SECTION 530(d) OF THE REVENUE ACT**
21 **OF 1978.**

22 (a) IN GENERAL.—Section 530(d) of the Revenue
23 Act of 1978 (as added by section 1706 of the Tax Reform
24 Act of 1986) is repealed.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply to periods ending after the date
3 of the enactment of this Act.

4 **SEC. 703. EXPANSION OF EXEMPTION FROM PERSONAL**
5 **HOLDING COMPANY TAX FOR LENDING OR FI-**
6 **NANCE COMPANIES.**

7 (a) IN GENERAL.—Paragraph (6) of section 542(c)
8 (defining personal holding company) is amended—

9 (1) by striking “rents,” in subparagraph (B),
10 and

11 (2) by adding “and” at the end of subpara-
12 graph (B),

13 (3) by striking subparagraph (C), and

14 (4) by redesignating subparagraph (D) as sub-
15 paragraph (C).

16 (b) EXCEPTION FOR LENDING OR FINANCE COMPA-
17 NIES DETERMINED ON AFFILIATED GROUP BASIS.—Sub-
18 section (d) of section 542 is amended by striking para-
19 graphs (1) and (2) and inserting the following new para-
20 graphs:

21 “(1) LENDING OR FINANCE BUSINESS DE-
22 FINED.—For purposes of subsection (c)(6), the term
23 ‘lending or finance business’ means a business of—
24 “(A) making loans,

1 “(B) purchasing or discounting accounts
2 receivable, notes, or installment obligations,

3 “(C) engaging in leasing (including enter-
4 ing into leases and purchasing, servicing, and
5 disposing of leases and leased assets),

6 “(D) rendering services or making facilities
7 available in the ordinary course of a lending or
8 finance business,

9 “(E) rendering services or making facilities
10 available in connection with activities described
11 in subparagraphs (A), (B), and (C) carried on
12 by the corporation rendering services or making
13 facilities available, or

14 “(F) rendering services or making facilities
15 available to another corporation which is en-
16 gaged in the lending or finance business (within
17 the meaning of this paragraph), if such services
18 or facilities are related to the lending or finance
19 business (within such meaning) of such other
20 corporation and such other corporation and the
21 corporation rendering services or making facili-
22 ties available are members of the same affili-
23 ated group (as defined in section 1504).

24 “(2) EXCEPTION DETERMINED ON AN AFFILI-
25 ATED GROUP BASIS.—In the case of a lending or fi-

1 nance company which is a member of an affiliated
 2 group (as defined in section 1504), such company
 3 shall be treated as meeting the requirements of sub-
 4 section (c)(6) if such group (determined by taking
 5 into account only members of such group which are
 6 engaged in a lending or finance business) meets such
 7 requirements.”.

8 (c) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to taxable years beginning after
 10 December 31, 2000.

11 **SEC. 704. CHARITABLE CONTRIBUTION DEDUCTION FOR**
 12 **CERTAIN EXPENSES INCURRED IN SUPPORT**
 13 **OF NATIVE ALASKAN SUBSISTENCE WHAL-**
 14 **ING.**

15 (a) IN GENERAL.—Section 170 (relating to chari-
 16 table, etc., contributions and gifts) is amended by redesi-
 17 gnating subsection (m) as subsection (n) and by inserting
 18 after subsection (l) the following new subsection:

19 “(m) EXPENSES PAID BY CERTAIN WHALING CAP-
 20 TAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE
 21 WHALING.—

22 “(1) IN GENERAL.—In the case of an individual
 23 who is recognized by the Alaska Eskimo Whaling
 24 Commission as a whaling captain charged with the
 25 responsibility of maintaining and carrying out sanc-

1 tioned whaling activities and who engages in such
2 activities during the taxable year, the amount de-
3 scribed in paragraph (2) (to the extent such amount
4 does not exceed \$7,500 for the taxable year) shall be
5 treated for purposes of this section as a charitable
6 contribution.

7 “(2) AMOUNT DESCRIBED.—

8 “(A) IN GENERAL.—The amount described
9 in this paragraph is the aggregate of the rea-
10 sonable and necessary whaling expenses paid by
11 the taxpayer during the taxable year in carrying
12 out sanctioned whaling activities.

13 “(B) WHALING EXPENSES.—For purposes
14 of subparagraph (A), the term ‘whaling ex-
15 penses’ includes expenses for—

16 “(i) the acquisition and maintenance
17 of whaling boats, weapons, and gear used
18 in sanctioned whaling activities,

19 “(ii) the supplying of food for the
20 crew and other provisions for carrying out
21 such activities, and

22 “(iii) storage and distribution of the
23 catch from such activities.

24 “(3) SANCTIONED WHALING ACTIVITIES.—For
25 purposes of this subsection, the term ‘sanctioned

1 whaling activities’ means subsistence bowhead whale
 2 hunting activities conducted pursuant to the man-
 3 agement plan of the Alaska Eskimo Whaling Com-
 4 mission.”.

5 (b) EFFECTIVE DATE.—The amendments made by
 6 subsection (a) shall apply to taxable years ending after
 7 December 31, 2000.

8 **SEC. 705. IMPOSITION OF EXCISE TAX ON PERSONS WHO**
 9 **ACQUIRE STRUCTURED SETTLEMENT PAY-**
 10 **MENTS IN FACTORING TRANSACTIONS.**

11 (a) IN GENERAL.—Subtitle E is amended by adding
 12 at the end the following new chapter:

13 **“CHAPTER 55—STRUCTURED**
 14 **SETTLEMENT FACTORING TRANSACTIONS**

“Sec. 5891. Structured settlement factoring transactions.

15 **“SEC. 5891. STRUCTURED SETTLEMENT FACTORING TRANS-**
 16 **ACTIONS.**

17 “(a) IMPOSITION OF TAX.—There is hereby imposed
 18 on any person who acquires directly or indirectly struc-
 19 tured settlement payment rights in a structured settle-
 20 ment factoring transaction a tax equal to 40 percent of
 21 the factoring discount as determined under subsection
 22 (c)(4) with respect to such factoring transaction.

23 “(b) EXCEPTION FOR CERTAIN APPROVED TRANS-
 24 ACTIONS.—

1 “(1) IN GENERAL.—The tax under subsection
2 (a) shall not apply in the case of a structured settle-
3 ment factoring transaction in which the transfer of
4 structured settlement payment rights is approved in
5 advance in a qualified order.

6 “(2) QUALIFIED ORDER.—For purposes of this
7 section, the term ‘qualified order’ means a final
8 order, judgment, or decree which—

9 “(A) finds that the transfer described in
10 paragraph (1)—

11 “(i) does not contravene any Federal
12 or State statute or the order of any court
13 or responsible administrative authority,
14 and

15 “(ii) is in the best interest of the
16 payee, taking into account the welfare and
17 support of the payee’s dependents, and

18 “(B) is issued—

19 “(i) under the authority of an applica-
20 ble State statute by an applicable State
21 court, or

22 “(ii) by the responsible administrative
23 authority (if any) which has exclusive ju-
24 risdiction over the underlying action or

1 proceeding which was resolved by means of
2 the structured settlement.

3 “(3) APPLICABLE STATE STATUTE.—For pur-
4 poses of this section, the term ‘applicable State stat-
5 ute’ means a statute providing for the entry of an
6 order, judgment, or decree described in paragraph
7 (2)(A) which is enacted by—

8 “(A) the State in which the payee of the
9 structured settlement is domiciled, or

10 “(B) if there is no statute described in
11 subparagraph (A), the State in which either the
12 party to the structured settlement (including an
13 assignee under a qualified assignment under
14 section 130) or the person issuing the funding
15 asset for the structured settlement is domiciled
16 or has its principal place of business.

17 “(4) APPLICABLE STATE COURT.—For pur-
18 poses of this section—

19 “(A) IN GENERAL.—The term ‘applicable
20 State court’ means, with respect to any applica-
21 ble State statute, a court of the State which en-
22 acted such statute.

23 “(B) SPECIAL RULE.—In the case of an
24 applicable State statute described in paragraph
25 (3)(B), such term also includes a court of the

1 State in which the payee of the structured set-
2 tlement is domiciled.

3 “(5) QUALIFIED ORDER DISPOSITIVE.—A quali-
4 fied order shall be treated as dispositive for purposes
5 of the exception under this subsection.

6 “(c) DEFINITIONS.—For purposes of this section—

7 “(1) STRUCTURED SETTLEMENT.—The term
8 ‘structured settlement’ means an arrangement—

9 “(A) which is established by—

10 “(i) suit or agreement for the periodic
11 payment of damages excludable from the
12 gross income of the recipient under section
13 104(a)(2), or

14 “(ii) agreement for the periodic pay-
15 ment of compensation under any workers’
16 compensation act excludable from the
17 gross income of the recipient under section
18 104(a)(1), and

19 “(B) under which the periodic payments
20 are—

21 “(i) of the character described in sub-
22 paragraphs (A) and (B) of section
23 130(c)(2), and

24 “(ii) payable by a person who is a
25 party to the suit or agreement or to the

1 workers' compensation claim or by a per-
2 son who has assumed the liability for such
3 periodic payments under a qualified assign-
4 ment in accordance with section 130.

5 “(2) STRUCTURED SETTLEMENT PAYMENT
6 RIGHTS.—The term ‘structured settlement payment
7 rights’ means rights to receive payments under a
8 structured settlement.

9 “(3) STRUCTURED SETTLEMENT FACTORING
10 TRANSACTION.—

11 “(A) IN GENERAL.—The term ‘structured
12 settlement factoring transaction’ means a trans-
13 fer of structured settlement payment rights (in-
14 cluding portions of structured settlement pay-
15 ments) made for consideration by means of
16 sale, assignment, pledge, or other form of en-
17 cumbrance or alienation for consideration.

18 “(B) EXCEPTION.—Such term shall not
19 include—

20 “(i) the creation or perfection of a se-
21 curity interest in structured settlement
22 payment rights under a blanket security
23 agreement entered into with an insured de-
24 pository institution in the absence of any
25 action to redirect the structured settlement

1 payments to such institution (or agent or
2 successor thereof) or otherwise to enforce
3 such blanket security interest as against
4 the structured settlement payment rights,
5 or

6 “(ii) a subsequent transfer of struc-
7 tured settlement payment rights acquired
8 in a structured settlement factoring trans-
9 action.

10 “(4) FACTORING DISCOUNT.—The term ‘fac-
11 toring discount’ means an amount equal to the ex-
12 cess of—

13 “(A) the aggregate undiscounted amount
14 of structured settlement payments being ac-
15 quired in the structured settlement factoring
16 transaction, over

17 “(B) the total amount actually paid by the
18 acquirer to the person from whom such struc-
19 tured settlement payments are acquired.

20 “(5) RESPONSIBLE ADMINISTRATIVE AUTHOR-
21 ITY.—The term ‘responsible administrative author-
22 ity’ means the administrative authority which had
23 jurisdiction over the underlying action or proceeding
24 which was resolved by means of the structured set-
25 tlement.

1 “(6) STATE.—The term ‘State’ includes any
2 possession of the United States.

3 “(d) COORDINATION WITH OTHER PROVISIONS.—

4 “(1) IN GENERAL.—If the applicable require-
5 ments of sections 72, 104(a) (1) and (2), 130, and
6 461(h) were satisfied at the time the structured set-
7 tlement was entered into, the subsequent occurrence
8 of a structured settlement factoring transaction shall
9 not affect the application of the provisions of such
10 sections to the parties to the structured settlement
11 (including an assignee under a qualified assignment
12 under section 130) in any taxable year.

13 “(2) NO WITHHOLDING OF TAX.—The provi-
14 sions of section 3405 regarding withholding of tax
15 shall not apply to the person making the payments
16 in the event of a structured settlement factoring
17 transaction.”.

18 “(b) CLERICAL AMENDMENTS.—The table of chapters
19 for subtitle E is amended by adding at the end the fol-
20 lowing new item:

 “CHAPTER 55. Structured settlement factoring transactions.”.

21 “(c) EFFECTIVE DATES.—

22 “(1) IN GENERAL.—The amendments made by
23 this section (other than the provisions of section
24 5891(d) of the Internal Revenue Code of 1986, as
25 added by this section) shall apply to structured set-

1 tlement factoring transactions (as defined in section
2 5891(e) of such Code as adopted by this section) en-
3 tered into on or after the 30th day following the
4 date of the enactment of this Act.

5 (2) CLARIFICATION OF EXISTING LAW.—Section
6 5891(d) of such Code (as so added) shall apply to
7 transactions entered into before, on, or after such
8 30th day.

9 (3) TRANSITION RULE.—In the case of a struc-
10 tured settlement factoring transaction entered into
11 during the period beginning on the 30th day fol-
12 lowing the date of the enactment of this Act and
13 ending on July 1, 2002, no tax shall be imposed
14 under section 5891(a) of such Code if—

15 (A) the structured settlement payee is
16 domiciled in a State (or possession of the
17 United States) which has not enacted a statute
18 providing that the structured settlement fac-
19 toring transaction is ineffective unless the
20 transaction has been approved by an order,
21 judgment, or decree of a court (or where appli-
22 cable, a responsible administrative authority)
23 which finds that such transaction—

1 (i) does not contravene any Federal or
2 State statute or the order of any court (or
3 responsible administrative authority), and
4 (ii) is in the best interest of the struc-
5 tured settlement payee or is appropriate in
6 light of a hardship faced by the payee, and
7 (B) the person acquiring the structured
8 settlement payment rights discloses to the
9 structured settlement payee in advance of the
10 structured settlement factoring transaction the
11 amounts and due dates of the payments to be
12 transferred, the aggregate amount to be trans-
13 ferred, the consideration to be received by the
14 structured settlement payee for the transferred
15 payments, the discounted present value of the
16 transferred payments including the present
17 value as determined in the manner described in
18 section 7520 of such Code, and the expenses re-
19 quired under the terms of the structured settle-
20 ment factoring transaction to be paid by the
21 structured settlement payee or deducted from
22 the proceeds of such transaction.

○