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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Internal Revenue Code of 1986 to provide for Move America bonds and Move America credits.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BLUMENAUER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Internal Revenue Code of 1986 to provide for Move America bonds and Move America credits.

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.**

4 This Act may be cited as the “Move America Act of  
5 2019”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

1           (1) Our Nation's infrastructure network serves  
2           as a foundation of our economic competitiveness and  
3           national security. It is imperative that Congress  
4           maintain and revitalize the roads, bridges, ports,  
5           railways, airports, transit systems, water systems,  
6           and information networks of this country, enabling  
7           all industries to achieve the growth and productivity  
8           that make the United States strong and prosperous.

9           (2) Investing in transportation, water, and in-  
10          formation infrastructure creates long-term capital  
11          assets for the Nation that will improve economic  
12          productivity.

13          (3) Investment in infrastructure creates jobs  
14          and spurs economic activity to put people back to  
15          work and grow the economy.

16          (4) The cost to maintain and improve our Na-  
17          tion's highways, bridges, and other critical transpor-  
18          tation infrastructure significantly exceeds what is  
19          currently being provided by all levels of government.

20          (5) Investment in our Nation's infrastructure  
21          must be multi-faceted, both by ensuring that there  
22          is a sustainable long-term funding source for infra-  
23          structure and through using innovative financing  
24          mechanisms.

1           (6) Areas that are underserved by modern  
2           broadband connections are disadvantaged, and en-  
3           suring that those areas are connected will enable the  
4           Nation to benefit from the fuller participation of  
5           previously underserved citizens in the national econ-  
6           omy.

7           (7) Investment in infrastructure is needed  
8           throughout the Nation, and it is essential that infra-  
9           structure legislation, including but not limited to  
10          this legislation, benefit urban and rural areas, and  
11          large and small States.

12          (b) PURPOSE.—The purpose of this Act is to provide  
13          tools to finance additional transportation, water, and in-  
14          formation infrastructure capital investments, through an  
15          approach that provides assistance for financing of infra-  
16          structure to all States, rural and urban, and large and  
17          small.

18          **SEC. 3. MOVE AMERICA BONDS.**

19          (a) IN GENERAL.—

20                  (1) MOVE AMERICA BONDS.—Subpart A of part  
21          IV of subchapter B of chapter 1 of the Internal Rev-  
22          enue Code of 1986 is amended by inserting after  
23          section 142 the following new section:

24          **“SEC. 142A. MOVE AMERICA BONDS.**

25          “(a) IN GENERAL.—

1           “(1) TREATMENT AS EXEMPT FACILITY  
2 BOND.—Except as otherwise provided in this section,  
3 a Move America bond shall be treated for purposes  
4 of this part as an exempt facility bond.

5           “(2) EXCEPTIONS.—

6           “(A) NO GOVERNMENT OWNERSHIP RE-  
7 QUIREMENT.—Paragraph (1) of section 142(b)  
8 shall not apply to any Move America bond.

9           “(B) SPECIAL RULES FOR HIGH-SPEED  
10 RAIL BONDS.—Paragraphs (2) and (3) of sec-  
11 tion 142(i) shall not apply to any Move America  
12 bond described in subsection (b)(6).

13           “(C) SPECIAL RULES FOR HIGHWAY AND  
14 SURFACE TRANSPORTATION FACILITIES.—Para-  
15 graphs (2), (3), and (4) of section 142(m) shall  
16 not apply to any Move America bond described  
17 in subsection (b)(7).

18           “(b) MOVE AMERICA BOND.—For purposes of this  
19 part, the term ‘Move America bond’ means any bond  
20 issued as part of an issue 95 percent or more of the net  
21 proceeds of which are used to provide—

22           “(1) airports,

23           “(2) docks and wharves, including—

24           “(A) waterborne mooring infrastructure,

1           “(B) dredging in connection with a dock or  
2 wharf, and

3           “(C) any associated rail and road infra-  
4 structure for the purpose of integrating modes  
5 of transportation,

6           “(3) mass commuting facilities,

7           “(4) facilities for the furnishing of water (with-  
8 in the meaning of section 142(e)),

9           “(5) sewage facilities,

10          “(6) railroads (as defined in section 20102 of  
11 title 49, United States Code) and any associated rail  
12 and road infrastructure for the purpose of inte-  
13 grating modes of transportation,

14          “(7) any—

15           “(A) surface transportation project which  
16 is eligible for Federal assistance under title 23,  
17 United States Code (as in effect on the date of  
18 the enactment of this section),

19           “(B) project for an international bridge or  
20 tunnel for which an international entity author-  
21 ized under Federal or State law is responsible  
22 and which is eligible for Federal assistance  
23 under title 23, United States Code (as so in ef-  
24 fect), or

1           “(C) facility for the transfer of freight  
2           from truck to rail or rail to truck (including  
3           any temporary storage facilities directly related  
4           to such transfers) which is eligible for Federal  
5           assistance under either title 23 or title 49,  
6           United States Code (as so in effect),

7           “(8) flood diversions,

8           “(9) inland waterways, including construction  
9           and rehabilitation expenditures for navigation on  
10          any inland or intracoastal waterways of the United  
11          States (within the meaning of section 4042(d)(2)),  
12          or

13          “(10) rural broadband service infrastructure.

14          “(c) DEFINITIONS.—For purposes of this section—

15                 “(1) FLOOD DIVERSIONS.—The term ‘flood di-  
16                 version’ means any flood damage risk reduction  
17                 project authorized under any Act for authorizing  
18                 water resources development projects.

19                 “(2) RURAL BROADBAND SERVICE INFRASTRUC-  
20                 TURE.—The term ‘rural broadband service infra-  
21                 structure’ means the construction, improvement, or  
22                 acquisition of facilities and equipment for the provi-  
23                 sion of broadband services (as defined in section 601  
24                 of the Rural Electrification Act of 1936) which—

1           “(A) meet the minimum requirements in  
2 effect under section 601(e) of such Act, and

3           “(B) will be provided in an area which—

4                 “(i) is a rural area (as defined in sec-  
5 tion 601 of such Act), and

6                 “(ii) meets the requirements of  
7 clauses (i) and (ii) of section 601(d)(2)(A)  
8 of such Act.

9           “(d) MOVE AMERICA VOLUME CAP.—

10                 “(1) IN GENERAL.—The aggregate face amount  
11 of Move America bonds issued pursuant to an issue,  
12 when added to the aggregate face amount of Move  
13 America bonds previously issued by the issuing au-  
14 thority during the calendar year, shall not exceed  
15 such issuing authority’s Move America volume cap  
16 for such year.

17                 “(2) MOVE AMERICA VOLUME CAP.—For pur-  
18 poses of this subsection—

19                         “(A) IN GENERAL.—The Move America  
20 volume cap for any calendar year is an amount  
21 equal to 50 percent of the State ceiling under  
22 section 146(d) for such State for such calendar  
23 year.

24                         “(B) ALLOCATION OF VOLUME CAP.—Each  
25 State may allocate the Move America volume

1 cap of such State among governmental units (or  
2 other authorities) in such State having author-  
3 ity to issue private activity bonds.

4 “(3) CARRYFORWARDS.—

5 “(A) IN GENERAL.—If—

6 “(i) an issuing authority’s Move  
7 America volume cap, exceeds

8 “(ii) the aggregate amount of Move  
9 America bonds issued during such calendar  
10 year by such authority,

11 any Move America bond issued by such author-  
12 ity during the 5-calendar-year period following  
13 such calendar year shall not be taken into ac-  
14 count under paragraph (1) to the extent the  
15 amount of such bonds does not exceed the  
16 amount of such excess. Any excesses arising  
17 under this paragraph shall be used under this  
18 paragraph in the order of calendar years in  
19 which the excesses arose.

20 “(B) REALLOCATION OF UNUSED  
21 CARRYFORWARDS.—

22 “(i) IN GENERAL.—The Move Amer-  
23 ica volume cap under paragraph (2)(A) for  
24 any State for any calendar year shall be



1 increased by any amount allocated to such  
2 State by the Secretary under clause (ii).

3 “(ii) REALLOCATION.—The Secretary  
4 shall allocate to each qualified State for  
5 any calendar year an amount which bears  
6 the same ratio to the aggregate unused  
7 carryforward amounts of all issuing au-  
8 thorities in all States for such calendar  
9 year as the qualified State’s population for  
10 the calendar year bears to the population  
11 of all qualified States for the calendar  
12 year. For purposes of the preceding sen-  
13 tence, population shall be determined in  
14 accordance with section 146(j).

15 “(iii) QUALIFIED STATE.—For pur-  
16 poses of this subparagraph, the term  
17 ‘qualified State’ means, with respect to a  
18 calendar year, any State—

19 “(I) which allocated its entire  
20 Move America volume cap for the pre-  
21 ceding calendar year, and

22 “(II) for which a request is made  
23 (not later than May 1 of the calendar  
24 year) to receive an allocation under  
25 clause (ii).

1                   “(iv)     UNUSED     CARRYFORWARD  
2                   AMOUNT.—For purposes of this paragraph,  
3                   the term ‘unused carryforward amount’  
4                   means, with respect to any issuing author-  
5                   ity for any calendar year, the excess of—

6                                 “(I) the amount of the excess de-  
7                                 scribed in subparagraph (A) for the  
8                                 sixth preceding calendar year, over

9                                 “(II) the amount of bonds issued  
10                                by such issuing authority to which  
11                                subparagraph (A) applied during the  
12                                5 preceding calendar years.

13                   “(4) FACILITY MUST BE LOCATED WITHIN  
14                   STATE.—

15                                 “(A) IN GENERAL.—No portion of the  
16                                 Move America volume cap of an issuing author-  
17                                 ity for any calendar year may be used with re-  
18                                 spect to financing for a facility located outside  
19                                 of the authority’s State.

20                                 “(B) EXCEPTION FOR CERTAIN FACILITIES  
21                                 WHERE STATE WILL GET PROPORTIONATE  
22                                 SHARE OF BENEFIT.—Subparagraph (A) shall  
23                                 not apply to any Move America bond the pro-  
24                                 ceeds of which are used to provide a facility de-  
25                                 scribed in paragraph (4) or (5) of subsection

1 (b) if the issuer establishes that the State's  
2 share of the use of the facility will equal or ex-  
3 ceed the State's share of the private activity  
4 bonds issued to finance the facility.

5 “(e) APPLICABILITY OF CERTAIN FEDERAL LAWS.—

6 “(1) IN GENERAL.—An issue shall not be treat-  
7 ed as an issue under subsection (b) unless the facil-  
8 ity for which the proceeds of such issue are used  
9 meets the requirements applicable to construction,  
10 alteration or repair of similar facilities under any  
11 Federal law that would apply if the facility were  
12 funded or financed under any other Federal program  
13 (including under titles 23, 40, and 49, United States  
14 Code) which would otherwise apply to similar facili-  
15 ties.

16 “(2) PUBLIC TRANSPORTATION CAPITAL  
17 PROJECTS.—In addition to the requirements of  
18 paragraph (1), an issue the proceeds of which are  
19 used to finance a capital project (as defined in sec-  
20 tion 5302(3) of title 49, United States Code) relat-  
21 ing to public transportation (as defined in section  
22 5302(14) of such title) shall not be treated as an  
23 issue under subsection (b) unless such project com-  
24 plies with the requirements of chapter 53 of title 49,  
25 United States Code.

1       “(f) SPECIAL RULE FOR ENVIRONMENTAL REMEDI-  
2    TION COSTS FOR DOCKS AND WHARVES.—For purposes  
3    of this section, amounts used for working capital expendi-  
4    tures relating to environmental remediation required  
5    under State or Federal law at or near a facility described  
6    in subsection (b)(2) (including environmental remediation  
7    in the riverbed and land within or adjacent to the Federal  
8    navigation channel used to access such facility) shall be  
9    treated as an amount used to provide for such a facility.

10       “(g) REGULATIONS.—The Secretary shall prescribe  
11    such regulations as may be necessary to carry out the pur-  
12    poses of this section, including regulations requiring  
13    States to report the amount of Move America volume cap  
14    of the State carried forward for any calendar year under  
15    subsection (d)(3).”.

16           (2) CONFORMING AMENDMENT.—The table of  
17    sections for subpart A of part IV of subchapter B  
18    of chapter 1 of such Code is amended by inserting  
19    after the item relating to section 142 the following  
20    new item:

“Sec. 142A. Move America bonds.”.

21       (b) APPLICATION OF OTHER PRIVATE ACTIVITY  
22    BOND RULES.—

23           (1) TREATMENT UNDER PRIVATE ACTIVITY  
24    BOND VOLUME CAP.—Subsection (g) of section 146  
25    of the Internal Revenue Code of 1986 is amended by

1 striking “and” at the end of paragraph (3), by strik-  
2 ing the period at the end of paragraph (4) and in-  
3 serting “, and”, and by inserting after paragraph  
4 (4) the following new paragraph:

5 “(5) any Move America bond.”.

6 (2) SPECIAL RULE ON USE FOR LAND ACQUI-  
7 TION.—Subparagraph (A) of section 147(c)(1) of  
8 the Internal Revenue Code of 1986 is amended by  
9 inserting “(50 percent in the case of any issue of  
10 Move America bonds)” after “25 percent”.

11 (3) SPECIAL RULES FOR REHABILITATION EX-  
12 PENDITURES.—

13 (A) INCLUSION OF CERTAIN EXPENDI-  
14 TURES.—Subparagraph (B) of section  
15 147(d)(3) of the Internal Revenue Code of  
16 1986 is amended by inserting “, except that, in  
17 the case of any Move America bond, such term  
18 shall include any expenditure described in  
19 clause (v) thereof” before the period at the end.

20 (B) PERIOD FOR EXPENDITURES.—Sub-  
21 paragraph (C) of section 147(d)(3) of such  
22 Code is amended by inserting “(5 years, in the  
23 case of any Move America bond)” after “2  
24 years”.

1 (c) TREATMENT UNDER THE ALTERNATIVE MIN-  
2 IMUM TAX.—Subparagraph (C) of section 57(a)(5) of the  
3 Internal Revenue Code of 1986 is amended by adding at  
4 the end the following new clause:

5 “(vii) EXCEPTION FOR MOVE AMERICA  
6 BONDS.—For purposes of clause (i), the  
7 term ‘private activity bond’ shall not in-  
8 clude any Move America bond (as defined  
9 in section 142A).”.

10 (d) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to obligations issued in calendar  
12 years beginning after the date of the enactment of this  
13 Act.

14 **SEC. 4. MOVE AMERICA CREDITS.**

15 (a) IN GENERAL.—Subpart D of part IV of sub-  
16 chapter A of chapter 1 of the Internal Revenue Code of  
17 1986 is amended by inserting after the section 42 the fol-  
18 lowing new section:

19 **“SEC. 42A. MOVE AMERICA CREDITS.**

20 “(a) MOVE AMERICA EQUITY CREDITS.—

21 “(1) IN GENERAL.—For purposes of section 38,  
22 the Move America equity credit for any taxable year  
23 in the credit period is an amount equal to 10 per-  
24 cent of the qualified basis of each qualified facility.

1           “(2) DEFINITIONS.—For purposes of this sec-  
2           tion—

3           “(A) QUALIFIED BASIS.—

4                   “(i) IN GENERAL.—The qualified  
5                   basis of any qualified facility is the portion  
6                   of the eligible basis of such facility to  
7                   which the State has allocated an amount of  
8                   the State credit limitation under subsection  
9                   (c)(3)(C).

10                   “(ii) DETERMINATION.—The qualified  
11                   basis of a facility for purposes of all tax-  
12                   able years in the credit period shall be de-  
13                   termined as of the date of the last day of  
14                   the calendar year in which the qualified fa-  
15                   cility is placed in service.

16                   “(iii) EXCEPTION.—Notwithstanding  
17                   any other provision of this section, the  
18                   qualified basis of any qualified facility shall  
19                   be zero unless the chief executive officer  
20                   (or the equivalent) of the local jurisdiction  
21                   in which the qualified facility is located is  
22                   provided a reasonable opportunity to com-  
23                   ment on the qualified facility.

1           “(B) QUALIFIED FACILITY.—The term  
2           ‘qualified facility’ means a facility described in  
3           section 142A(b), but only if such facility—

4                   “(i) meets the requirements applicable  
5                   to construction, alteration or repair of  
6                   similar facilities under any Federal law  
7                   that would apply if the facility were funded  
8                   or financed under any other Federal pro-  
9                   gram (including titles 23, 40, and 49,  
10                  United States Code),

11                   “(ii) complies with the requirements  
12                   of chapter 53 of title 49, United States  
13                   Code, in the case of a capital project (as  
14                   defined in section 5302(3) of title 49,  
15                   United States Code) relating to public  
16                   transportation (as defined in section  
17                   5302(14) of such title), and

18                   “(iii) will be generally available for  
19                   public use throughout the credit period.

20           “(C) CREDIT PERIOD.—

21                   “(i) IN GENERAL.—Except as pro-  
22                   vided in clause (ii), the credit period with  
23                   respect to any qualified facility is the pe-  
24                   riod of 10 taxable years beginning with the  
25                   first taxable year beginning in the calendar



1 year in which the facility is placed in serv-  
2 ice.

3 “(ii) EARLY TERMINATION.—If at any  
4 time during the 10-taxable-year period de-  
5 scribed in clause (i) a facility ceases to be  
6 a qualified facility, or ceases and then re-  
7 commences to be a qualified facility, the  
8 credit period with respect to such facility  
9 shall include only the taxable years in such  
10 10-year-period in which the facility was a  
11 qualified facility for the entire taxable  
12 year.

13 “(iii) DISPOSITIONS OF PROPERTY OR  
14 INTEREST RELATING TO QUALIFIED FACIL-  
15 ITY.—A facility shall not cease to be a  
16 qualified facility solely by reason of the  
17 disposition of the facility (or an interest  
18 therein) if it is reasonably expected that  
19 such facility will otherwise continue to be  
20 a qualified facility.

21 “(iv) TREATMENT OF CREDIT IN CASE  
22 OF DISPOSITION.—If at any time during  
23 the 10-taxable-year period described in  
24 clause (i) a qualified facility (or an interest  
25 therein) is disposed of—

1                   “(I) the credit under paragraph  
2                   (1) for any year in such period begin-  
3                   ning after the date of the disposal  
4                   shall be allowed to the acquiring per-  
5                   son, and not to the person disposing  
6                   of the facility (or interest), and

7                   “(II) the credit under paragraph  
8                   (1) for the year of the disposal shall  
9                   be allocated between such persons on  
10                  the basis of the number of days dur-  
11                  ing such year the facility (or interest)  
12                  was held by each.

13                  “(3) REALLOCATION.—

14                  “(A) IN GENERAL.—If any qualified facil-  
15                  ity is not placed in service within 3 years of the  
16                  date of the allocation under subsection (c)(3),  
17                  the State shall rescind the allocation under sub-  
18                  section (c)(3)(C). Any allocation so rescinded  
19                  may be reallocated by the State under sub-  
20                  section (c) (including to qualified infrastructure  
21                  funds for purposes of the credit under sub-  
22                  section (b)) within the calendar year in which  
23                  it is so rescinded.

24                  “(B) REVERSION.—Any rescinded alloca-  
25                  tion which is not reallocated under subpara-

1 graph (A) by the last day of the calendar year  
2 in which it is so rescinded shall revert to inclu-  
3 sion in the State’s Move America volume cap  
4 under section 142A(d) as if it had never been  
5 exchanged under subsection (c)(1).

6 “(C) NO MULTIPLE REALLOCATIONS.—  
7 Any rescinded allocation which is reallocated  
8 under subparagraph (A) and is subsequently re-  
9 scinded shall not be further reallocated and  
10 shall immediately revert to inclusion in the  
11 Move America volume cap as provided in sub-  
12 paragraph (B).

13 “(4) COORDINATION WITH DEDUCTION FOR DE-  
14 PRECIATION, ETC.—The basis of any property taken  
15 into account in determining the qualified basis of a  
16 qualified facility with respect to which a credit is al-  
17 lowed under this section shall be reduced by the ag-  
18 gregate amount of the credit allowable under this  
19 section during all taxable years in the credit period  
20 which is properly allocable to the cost basis of such  
21 property. The Secretary shall provide for adjust-  
22 ments to basis in cases where the taxpayer is not al-  
23 lowed a full credit for all years in the credit period.

24 “(b) MOVE AMERICA INFRASTRUCTURE FUND CRED-  
25 ITS.—

1 “(1) ALLOWANCE OF CREDIT.—

2 “(A) IN GENERAL.—For purposes of sec-  
3 tion 38, in the case of a taxpayer who holds a  
4 Move America investment on a credit allowance  
5 date of such investment which occurs during  
6 the taxable year, the Move America infrastruc-  
7 ture fund credit for such taxable year is an  
8 amount equal to 5 percent of the amount paid  
9 to the qualified infrastructure fund for such in-  
10 vestment at its original issue.

11 “(B) CREDIT ALLOWANCE DATE.—For  
12 purposes of subparagraph (A), except as pro-  
13 vided in paragraph (3), the term ‘credit allow-  
14 ance date’ means with respect to any Move  
15 America investment—

16 “(i) the date on which such invest-  
17 ment is initially made, and

18 “(ii) each of the 9 anniversary dates  
19 of such date thereafter.

20 “(2) DEFINITIONS.—For purposes of this sec-  
21 tion—

22 “(A) MOVE AMERICA INVESTMENT.—

23 “(i) IN GENERAL.—The term ‘Move  
24 America investment’ means any equity in-

1 vestment in a qualified infrastructure fund,  
2 if—

3 “(I) such investment is acquired  
4 by the taxpayer at its original issue  
5 solely in exchange for cash,

6 “(II) substantially all of such  
7 cash is used by the qualified infra-  
8 structure fund to make qualified in-  
9 vestments, and

10 “(III) such investment is des-  
11 ignated for purposes of this subsection  
12 by the qualified infrastructure fund,  
13 including a designation of the quali-  
14 fied investment which will be made  
15 with such investment.

16 “(ii) LIMITATION.—

17 “(I) IN GENERAL.—The max-  
18 imum amount of equity investments  
19 issued by a qualified infrastructure  
20 fund in a calendar year which may be  
21 designated under clause (i)(III) by  
22 such fund shall not exceed 200 per-  
23 cent of the portion of the State credit  
24 limitation allocated under subsection

1 (c)(3)(A)(ii) to such fund in such cal-  
2 endar year.

3 “(II) EXPIRATION.—If the limi-  
4 tation determined under subclause (I)  
5 with respect to an infrastructure fund  
6 for a calendar year exceeds the  
7 amount of equity investments des-  
8 ignated under clause (i)(III) by such  
9 fund in such year, the State shall re-  
10 scind such excess allocation. Any allo-  
11 cation so rescinded may be reallocated  
12 by the State under subsection (c) (in-  
13 cluding to qualified facilities for pur-  
14 poses of the credit under subsection  
15 (a)) within the immediately suc-  
16 ceeding calendar year.

17 “(III) REVERSION.—Any re-  
18 scinded allocation which is not reallo-  
19 cated under subclause (II) by the last  
20 day of such immediately succeeding  
21 calendar year shall revert to inclusion  
22 in the State’s Move America volume  
23 cap under section 142A(d) as if it had  
24 never been exchanged under sub-  
25 section (c)(1).

1                   “(IV) NO MULTIPLE REALLOCA-  
2                   TIONS.—Any rescinded allocation  
3                   which is reallocated under subclause  
4                   (II) and is subsequently rescinded  
5                   shall not be further reallocated and  
6                   shall immediately revert to inclusion  
7                   in the Move America volume cap as  
8                   provided in subclause (III).

9                   “(iii) SAFE HARBOR FOR DETER-  
10                  MINING USE OF CASH.—The requirement  
11                  of clause (i)(II) shall be treated as met if  
12                  at least 95 percent of the aggregate gross  
13                  assets of the qualified infrastructure fund  
14                  (determined without regard to any cash re-  
15                  ceived under clause (i)(I) that has not been  
16                  invested in any other asset before the date  
17                  that is 3 years after the date such cash is  
18                  received) are invested in qualified invest-  
19                  ments.

20                  “(iv) TREATMENT OF SUBSEQUENT  
21                  PURCHASERS.—The term ‘Move America  
22                  investment’ includes any equity investment  
23                  which would (but for clause (i)(I)) be a  
24                  Move America investment in the hands of  
25                  the taxpayer if such investment was a

1 Move America investment in the hands of  
2 a prior holder.

3 “(B) QUALIFIED INFRASTRUCTURE  
4 FUND.—The term ‘qualified infrastructure  
5 fund’ means—

6 “(i) a State infrastructure bank estab-  
7 lished under section 610 of title 23, United  
8 States Code,

9 “(ii) a water pollution control revolv-  
10 ing fund established under title VI of the  
11 Federal Water Pollution Control Act (33  
12 U.S.C. 1381 et seq.),

13 “(iii) a drinking water treatment re-  
14 volving loan fund established under section  
15 1452 of the Safe Drinking Water Act (42  
16 U.S.C. 300j–12), or

17 “(iv) an equivalent fund established or  
18 designated by the State or any instrumen-  
19 tality thereof and certified by the Secretary  
20 as having a primary purpose of financing  
21 qualified facilities.

22 In the case of a fund described in clause (ii) or  
23 (iii), the amount of any Move America invest-  
24 ment shall not be included in determining the



1 amount of State or other non-Federal contribu-  
2 tions to such fund.

3 “(C) QUALIFIED INVESTMENT.—The term  
4 ‘qualified investment’ means an investment  
5 (whether by loan, loan guarantee, or equity in-  
6 vestment) in—

7 “(i) qualified facilities, or

8 “(ii) in the case of a fund described in  
9 clause (i), (ii), or (iii) of subparagraph (B),  
10 projects and activities for which such funds  
11 are authorized to be used under any other  
12 provision of law.

13 The term ‘qualified investment’ does not include  
14 any investment with respect to a project or ac-  
15 tivity that is not in compliance with applicable  
16 requirements of titles 23 and 49, United States  
17 Code, the Federal Water Pollution Control Act  
18 (33 U.S.C. 1251 et seq.), and the Safe Drink-  
19 ing Water Act (42 U.S.C. 300 et seq.).

20 “(3) EARLY TERMINATION.—

21 “(A) IN GENERAL.—If at any time during  
22 the compliance period the fund which issued a  
23 Move America investment ceases to be a quali-  
24 fied infrastructure fund, or ceases and then re-  
25 commences to be a qualified infrastructure

1 fund, any date described in paragraph (1)(B)  
2 (including the date described in clause (i) there-  
3 of) occurring in—

4 “(i) the taxable year in which the  
5 fund ceased to be a qualified infrastructure  
6 fund, or

7 “(ii) any other taxable year in such  
8 period in which the fund is not a qualified  
9 infrastructure fund for the entire taxable  
10 year,

11 shall not be treated as a credit allowance date  
12 for purposes of paragraph (1).

13 “(B) COMPLIANCE PERIOD.—For purposes  
14 of subparagraph (A), the term ‘compliance pe-  
15 riod’ means the 10-taxable-year period begin-  
16 ning with the taxable year that includes the  
17 date of the original issue of the Move America  
18 investment.

19 “(C) LOSS OF QUALIFICATION.—A fund  
20 shall cease to be a qualified infrastructure fund  
21 as of the date more than 5 percent of the in-  
22 vestments made by the fund are not qualified  
23 investments. For purposes of the preceding sen-  
24 tence, the amount of any cash received under  
25 subparagraph (A)(i)(I) that has not been in-

1           vested in any other asset before the date that  
2           is 3 years after the date such cash is received  
3           shall not be taken into account in determining  
4           investments made by the fund.

5           “(D) EXPIRATION OF CREDIT.—If sub-  
6           stantially all of the cash paid for any Move  
7           America investment is not used to make quali-  
8           fied investments designated under paragraph  
9           (2)(A)(i)(III) within 3 years of the date of  
10          original issue of such investment, any date de-  
11          scribed in paragraph (1)(B) occurring in a tax-  
12          able year which ends after the date which is 3  
13          years after such date of original issue shall not  
14          be treated as a credit allowance date for pur-  
15          poses of paragraph (1).

16          “(c) MOVE AMERICA CREDIT ALLOCATION.—

17                 “(1) EXCHANGE OF MOVE AMERICA BOND VOL-  
18          UME CAP.—

19                 “(A) IN GENERAL.—If a State has in ef-  
20          fect a qualified allocation plan for a calendar  
21          year, the State may exchange (in such manner  
22          as the Secretary may prescribe) all or a portion  
23          of the State’s Move America volume cap under  
24          section 142A(d) for such year for a State credit  
25          limitation.

1           “(B) LIMITATION.—The amount of a  
2           State’s Move America volume cap for a cal-  
3           endar year which may be exchanged under sub-  
4           paragraph (A) shall not include any portion of  
5           such cap which is attributable to an amount of  
6           State credit limitation which has reverted under  
7           paragraph (3)(D) or subsection (a)(3)(B) or  
8           (b)(2)(A)(iv).

9           “(2) STATE CREDIT LIMITATION.—For pur-  
10          poses of this section, the State credit limitation with  
11          respect to any State for a calendar year is a dollar  
12          amount equal to 25 percent of the Move America  
13          volume cap exchanged under paragraph (1) for such  
14          calendar year.

15          “(3) ALLOCATION.—

16                 “(A) IN GENERAL.—A State may allocate  
17                 the State credit limitation, according to the  
18                 qualified allocation plan, for any calendar year  
19                 among—

20                         “(i) qualified facilities in the State for  
21                         purposes of the Move America equity cred-  
22                         it under subsection (a), and

23                         “(ii) qualified infrastructure funds in  
24                         the State for purposes of the Move Amer-

1           ica infrastructure fund credit under sub-  
2           section (b).

3           “(B) QUALIFIED ALLOCATION PLAN.—

4                 “(i) IN GENERAL.—For purposes of  
5           this subsection, the term ‘qualified alloca-  
6           tion plan’ means any plan—

7                 “(I) which sets forth selection  
8           criteria to be used in determining in-  
9           frastructure priorities of the State  
10          and allocating the State credit limita-  
11          tion among facilities (in accordance  
12          with clause (ii)) and infrastructure  
13          funds in the State, and

14                 “(II) which provides a procedure  
15          that the State (or an agent or other  
16          private contractor of the State) will  
17          follow in monitoring for noncompli-  
18          ance with the provisions of this sec-  
19          tion and in notifying the Internal Rev-  
20          enue Service of such noncompliance.

21                 “(ii) LIMITATION BASED ON FACILITY  
22          FEASIBILITY FOR MOVE AMERICA EQUITY  
23          CREDITS.—

24                 “(I) IN GENERAL.—In the case  
25          of an allocation with respect to any

1 qualified facility for purposes of the  
2 Move America equity credit under  
3 subsection (a), such allocation shall  
4 not exceed the minimum amount  
5 which the State transportation au-  
6 thority or other applicable agency de-  
7 termines is required for the financial  
8 feasibility of the facility and its viabil-  
9 ity for completion and availability for  
10 public use throughout the credit pe-  
11 riod.

12 “(II) MINIMUM FEASIBILITY DE-  
13 TERMINATION.—In making the deter-  
14 mination under subclause (I), such  
15 entity shall consider the sources and  
16 uses of funds and the total financing  
17 planned for the facility, any proceeds  
18 or receipts expected to be generated  
19 by reason of tax benefits, the reason-  
20 ableness of the developmental and  
21 operational costs of the facility over  
22 the full expected operational life of the  
23 facility, ancillary costs (including  
24 right-of-way and procurement costs),

1 financing costs, and retained and  
2 transferred risk.

3 “(C) SPECIAL RULES RELATING TO MOVE  
4 AMERICA EQUITY CREDIT.—

5 “(i) LIMITATION.—The amount allo-  
6 cated to a qualified facility under subpara-  
7 graph (A)(i) shall not exceed the eligible  
8 basis of such facility.

9 “(ii) ELIGIBLE BASIS.—For purposes  
10 of this section, except as provided in clause  
11 (iii), the eligible basis of any qualified fa-  
12 cility is the lesser of—

13 “(I) the portion of the basis of  
14 such facility which is attributable to  
15 the aggregate amount of equity in-  
16 vestment of all taxpayers in the costs  
17 of the facility which are subject to the  
18 allowance for depreciation (determined  
19 as of the last day of the calendar year  
20 in which the facility is placed in serv-  
21 ice), or

22 “(II) 20 percent of the costs of  
23 the facility which are subject to the  
24 allowance for depreciation (determined  
25 as of the last day of the calendar year

1 in which the facility is placed in serv-  
2 ice).

3 “(iii) EXCLUSION OF GOVERNMENT  
4 ASSISTANCE.—Eligible basis shall not in-  
5 clude any portion of the basis of such facil-  
6 ity which is attributable to any assistance  
7 or financing provided by a Federal, State,  
8 or local government (determined as of the  
9 last day of the calendar year in which the  
10 facility is placed in service).

11 “(D) REVERSION OF UNALLOCATED LIM-  
12 TATION.—Any portion of the State credit limi-  
13 tation for any calendar year which remains  
14 unallocated as of the last day of such calendar  
15 year shall revert to inclusion in the State’s  
16 Move America volume cap under section  
17 142A(d) as if it had never been exchanged  
18 under paragraph (1).”.

19 (b) CREDITS MADE PART OF GENERAL BUSINESS  
20 CREDIT.—Subsection (b) of section 38 of the Internal  
21 Revenue Code of 1986 is amended—

22 (1) by striking “plus” at the end of paragraph  
23 (31);

24 (2) by striking the period at the end of para-  
25 graph (32) and inserting a comma; and



1           (3) by adding at the end the following new  
2 paragraphs:

3           “(33) the Move America equity credit under  
4 section 42A(a)(1), plus

5           “(34) the Move America infrastructure fund  
6 credit under section 42A(b)(1).”.

7       (c) TREATMENT UNDER ALTERNATIVE MINIMUM  
8 TAX AND BASE EROSION TAX.—

9           (1) ALTERNATIVE MINIMUM TAX.—Section  
10 38(c)(4)(B) of the Internal Revenue Code of 1986 is  
11 amended by redesignating clauses (iv) through (xii)  
12 as clauses (vi) through (xiv), respectively, and by in-  
13 sserting after clause (iii) the following new clauses:

14                   “(iv) the credit determined under sec-  
15 tion 42A(a)(1),

16                   “(v) the credit determined under sec-  
17 tion 42A(b)(1).”.

18           (2) BASE EROSION TAX.—Section  
19 59A(b)(1)(B)(ii) of such Code is amended by strik-  
20 ing “plus” at the end of subclause (I), by redesign-  
21 ating subclause (II) as subclause (III), and by in-  
22 sserting after subclause (I) the following new sub-  
23 clause:

24                   “(II) the credit allowed under  
25 section 38 for the taxable year which

1 is properly allocable to the sum of the  
2 Move America equity credit under sec-  
3 tion 42A(a)(1) and the Move America  
4 infrastructure fund credit under sec-  
5 tion 42A(b)(1), plus”.

6 (d) CLERICAL AMENDMENT.—The table of sections  
7 for subpart D of part IV of subchapter A of chapter 1  
8 of the Internal Revenue Code of 1986 is amended by in-  
9 serting after the item relating to section 42 the following  
10 new item:

“Sec. 42A. Move America credits.”.

11 (e) EFFECTIVE DATE.—The amendments made by  
12 this section shall apply to taxable years beginning after  
13 the date of the enactment of this Act.

14 (f) REPORTING.—A State shall, at such time and in  
15 such manner as the Secretary of the Treasury shall re-  
16 quire, report—

17 (1) to the Secretary of the Treasury—

18 (A) the amount of the Move America vol-  
19 ume cap of the State for the calendar year  
20 which is exchanged under section 42A(c)(1) of  
21 the Internal Revenue Code of 1986 for a State  
22 credit limitation;

23 (B) the amount (if any) of the State credit  
24 limitation allocated under section  
25 42A(c)(3)(A)(i) of such Code to qualified facili-

1           ties, the amount so allocated to each such facil-  
2           ity, and the taxpayer with respect to such facil-  
3           ity (including the name of the taxpayer and any  
4           other identifying information as the Secretary  
5           of the Treasury shall require); and

6           (C) the amount (if any) of the State credit  
7           limitation allocated under section  
8           42A(c)(3)(A)(ii) of such Code to qualified infra-  
9           structure funds, the amount so allocated to  
10          each such fund, and each taxpayer holding any  
11          Move America investment with respect to any  
12          such fund (including the name of the taxpayer  
13          and any other identifying information as the  
14          Secretary of the Treasury shall require);

15          (2) to the Secretary of the Treasury and any  
16          taxpayer who is the sponsor of a qualified facility re-  
17          ceiving an allocation under section 42A(c)(3)(A)(i)  
18          of such Code, the date on which the qualified facility  
19          is placed in service; and

20          (3) to the Secretary of the Treasury and any  
21          taxpayer holding a Move America investment, a cer-  
22          tification that the entity which issued the investment  
23          is a qualified infrastructure fund and that the in-  
24          vestment will be used to make qualified investments  
25          designated for purposes of section

1       42A(b)(2)(A)(i)(III) of the Internal Revenue Code of  
2       1986.

3 For purposes of this subsection, any term used in this sub-  
4 section that is also used in section 42A or 142A of such  
5 Code has the same meaning as when used in such section.