

105TH CONGRESS  
2D SESSION

# H. R. 3500

To amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1998

Mr. SHAW introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements.

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. RECOVERY PERIOD FOR DEPRECIATION OF**  
4       **CERTAIN LEASEHOLD IMPROVEMENTS.**

5       (a) 10-YEAR RECOVERY PERIOD.—Subparagraph  
6       (D) of section 168(e)(3) of the Internal Revenue Code of  
7       1986 (relating to 10-year property) is amended by striking  
8       “and” at the end of clause (i), by striking the period at  
9       the end of clause (ii) and inserting “, and”, and by adding  
10      at the end the following new clause:

1 “(iii) any qualified leasehold improve-  
 2 ment property.”.

3 (b) QUALIFIED LEASEHOLD IMPROVEMENT PROP-  
 4 ERTY.—Subsection (e) of section 168 of such Code is  
 5 amended by adding at the end the following new para-  
 6 graph:

7 “(6) QUALIFIED LEASEHOLD IMPROVEMENT  
 8 PROPERTY.—

9 “(A) IN GENERAL.—The term ‘qualified  
 10 leasehold improvement property’ means any im-  
 11 provement to an interior portion of a building  
 12 which is nonresidential real property if—

13 “(i) such improvement is made under  
 14 or pursuant to a lease (as defined in sub-  
 15 section (h)(7))—

16 “(I) by the lessee (or any subles-  
 17 see) of such portion, or

18 “(II) by the lessor of such por-  
 19 tion,

20 “(ii) such portion is to be occupied ex-  
 21 clusively by the lessee (or any sublessee) of  
 22 such portion, and

23 “(iii) such improvement is placed in  
 24 service more than 3 years after the date  
 25 the building was first placed in service.

“(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator,

“(iii) any structural component benefiting a common area, and

“(iv) the internal structural framework of the building.

“(C) DEFINITIONS AND SPECIAL RULES.—

For purposes of this paragraph—

“(i) COMMITMENT TO LEASE TREATED AS LEASE.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

“(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term ‘related persons’ means—

“(I) members of an affiliated group (as defined in section 1504),  
and

1                   “(II) persons having a relation-  
 2                   ship described in subsection (b) of  
 3                   section 267; except that, for purposes  
 4                   of this clause, the phrase ‘80 percent  
 5                   or more’ shall be substituted for the  
 6                   phrase ‘more than 50 percent’ each  
 7                   place it appears in such subsection.”

8           (c) REQUIREMENT TO USE STRAIGHT LINE METH-  
 9   OD.—Paragraph (3) of section 168(b) of such Code is  
 10 amended by adding at the end the following new subpara-  
 11 graph:

12                   “(G) Qualified leasehold improvement  
 13                   property described in subsection (e)(6).”.

14           (d) ALTERNATIVE SYSTEM.—The table contained in  
 15 section 168(g)(3)(B) of such Code is amended by inserting  
 16 after the item relating to subparagraph (D)(ii) the follow-  
 17 ing new item:

          “(D)(iii) ..... 10 ”.

18           (e) EFFECTIVE DATE.—The amendments made by  
 19 this section shall apply to qualified leasehold improvement  
 20 property placed in service after the date of the enactment  
 21 of this Act.

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