

106TH CONGRESS
1ST SESSION

H. R. 2284

To provide that certain costs of private foundations in removing hazardous substances shall be treated as qualifying distributions.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1999

Mr. LEWIS of Kentucky (for himself and Mrs. NORTHUP) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide that certain costs of private foundations in removing hazardous substances shall be treated as qualifying distributions.

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. CERTAIN COSTS OF PRIVATE FOUNDATION IN**
4 **REMOVING HAZARDOUS SUBSTANCES TREAT-**
5 **ED AS QUALIFYING DISTRIBUTION.**

6 (a) IN GENERAL.—In the case of any taxable year
7 beginning after December 31, 1999, the distributable
8 amount of a private foundation for such taxable year for
9 purposes of section 4942 of the Internal Revenue Code
10 of 1986 shall be reduced (but not below zero) by any

1 amount paid or incurred (or set aside) by such private
2 foundation for the investigatory costs and direct costs of
3 removal or taking remedial action with respect to a haz-
4 ardous substance released at a facility which was owned
5 or operated by such private foundation.

6 (b) LIMITATIONS.—Subsection (a) shall only apply to
7 costs—

8 (1) incurred with respect to hazardous sub-
9 stances disposed of at a facility owned or operated
10 by the private foundation but only if—

11 (A) such facility was transferred to such
12 foundation by bequest before December 11,
13 1980, and

14 (B) the active operation of such facility by
15 such foundation was terminated before Decem-
16 ber 12, 1980, and

17 (2) which were not incurred pursuant to a
18 pending order issued to the private foundation uni-
19 laterally by the President or the President's assignee
20 under section 106 of the Comprehensive Environ-
21 mental Response, Compensation, and Liability Act
22 of 1980 (42 U.S.C. 9606), or pursuant to a non-
23 consensual judgment against the private foundation
24 issued in a governmental cost recovery action under
25 section 107 of such Act (42 U.S.C. 9607).

1 (c) HAZARDOUS SUBSTANCE.—For purposes of this
2 section, the term “hazardous substance” has the meaning
3 given such term by section 101(14) of the Comprehensive
4 Environmental Response, Compensation, and Liability Act
5 of 1980 (42 U.S.C. 9601(14)).

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