

107TH CONGRESS  
1ST SESSION

# S. 1002

To amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

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## IN THE SENATE OF THE UNITED STATES

JUNE 7, 2001

Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. MURKOWSKI, Mr. BREAU, Mr. HUTCHINSON, Mr. MILLER, Mr. CRAIG, Ms. LANDRIEU, Mr. SMITH of Oregon, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

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 “Reforestation Tax Act  
5 of 2001”.

### 6 **SEC. 2. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.**

7 (a) IN GENERAL.—Part I of subchapter P of chapter  
8 1 of the Internal Revenue Code of 1986 (relating to treat-

1 ment of capital gains) is amended by adding at the end  
 2 the following new section:

3 **“SEC. 1203. PARTIAL INFLATION ADJUSTMENT FOR TIM-**  
 4 **BER.**

5 “(a) IN GENERAL.—At the election of any taxpayer  
 6 who has qualified timber gain for any taxable year, there  
 7 shall be allowed as a deduction from gross income an  
 8 amount equal to the qualified percentage of such gain.

9 “(b) QUALIFIED TIMBER GAIN.—For purposes of  
 10 this section, the term ‘qualified timber gain’ means gain  
 11 from the disposition of timber which the taxpayer has  
 12 owned for more than 1 year.

13 “(c) QUALIFIED PERCENTAGE.—For purposes of this  
 14 section, the term ‘qualified percentage’ means the percent-  
 15 age (not exceeding 50 percent) determined by  
 16 multiplying—

17 “(1) 3 percent, by

18 “(2) the number of years in the holding period  
 19 of the taxpayer with respect to the timber.

20 “(d) ESTATES AND TRUSTS.—In the case of an es-  
 21 tate or trust, the deduction under subsection (a) shall be  
 22 computed by excluding the portion of (if any) the gains  
 23 for the taxable year from sales or exchanges of capital as-  
 24 sets which, under sections 652 and 662 (relating to inclu-  
 25 sions of amounts in gross income of beneficiaries of

1 trusts), is includible by the income beneficiaries as gain  
 2 derived from the sale or exchange of capital assets.”.

3 (b) COORDINATION WITH MAXIMUM RATES OF TAX  
 4 ON NET CAPITAL GAINS.—

5 (1) IN GENERAL.—Section 1(h) of the Internal  
 6 Revenue Code of 1986 (relating to maximum capital  
 7 gains rate) is amended by adding at the end the fol-  
 8 lowing new paragraph:

9 “(13) QUALIFIED TIMBER GAIN.—For purposes  
 10 of this section, net capital gain shall be determined  
 11 without regard to qualified timber gain (as defined  
 12 in section 1203) with respect to which an election is  
 13 in effect under section 1203.”.

14 (2) CONFORMING AMENDMENT.—Subsection (a)  
 15 of section 1201 of such Code (relating to the alter-  
 16 native tax for corporations) is amended by inserting  
 17 at the end the following new sentence:

18 “For purposes of this section, net capital gain shall be  
 19 determined without regard to qualified timber gain (as de-  
 20 fined in section 1203) with respect to which an election  
 21 is in effect under section 1203.”.

22 (c) ALLOWANCE OF DEDUCTION IN COMPUTING AD-  
 23 JUSTED GROSS INCOME.—Subsection (a) of section 62 of  
 24 the Internal Revenue Code of 1986 (relating to definition

1 of adjusted gross income) is amended by inserting after  
 2 paragraph (18) the following new paragraph:

3           “(19) PARTIAL INFLATION ADJUSTMENT FOR  
 4           TIMBER.—The deduction allowed by section 1203.”.  
 5           (d) TECHNICAL AMENDMENTS.—

6           (1) Subparagraph (B) of section 172(d)(2) of  
 7           the Internal Revenue Code of 1986 is amended to  
 8           read as follows:

9                   “(B) the exclusion under section 1202 and  
 10                   the deduction under section 1203 shall not be  
 11                   allowed.”.

12           (2) The last sentence of section 453A(c)(3) of  
 13           such Code is amended by striking “(whichever is ap-  
 14           propriate)” and inserting “or the deduction under  
 15           section 1203 (whichever is appropriate)”.

16           (3) Section 641(c)(2)(C) of such Code is  
 17           amended by inserting after clause (iii) the following  
 18           new clause:

19                   “(iv) The deduction under section  
 20                   1203.”.

21           (4) The first sentence of section 642(c)(4) of  
 22           such Code is amended to read as follows: “To the  
 23           extent that the amount otherwise allowable as a de-  
 24           duction under this subsection consists of gain de-  
 25           scribed in section 1202(a) or qualified timber gain

1 (as defined in section 1203(b)), proper adjustment  
 2 shall be made for any exclusion allowable under sec-  
 3 tion 1202, and any deduction allowable under sec-  
 4 tion 1203, to the estate or trust.”.

5 (5) The last sentence of section 643(a)(3) of  
 6 such Code is amended to read as follows: “The ex-  
 7 clusion under section 1202 and the deduction under  
 8 section 1203 shall not be taken into account.”.

9 (6) The last sentence of section 643(a)(6)(C) of  
 10 such Code is amended by inserting “(i)” before  
 11 “there shall” and by inserting before the period “,  
 12 and (ii) the deduction under section 1203 (relating  
 13 to partial inflation adjustment for timber) shall not  
 14 be taken into account”.

15 (7) Paragraph (4) of section 691(c) of such  
 16 Code is amended by inserting “1203,” after  
 17 “1202,”.

18 (8) The second sentence of paragraph (2) of  
 19 section 871(a) of such Code is amended by striking  
 20 “section 1202” and inserting “sections 1202 and  
 21 1203”.

22 (e) CLERICAL AMENDMENT.—The table of sections  
 23 for part I of subchapter P of chapter 1 of such Code is  
 24 amended by adding at the end the following new item:

“Sec. 1203. Partial inflation adjustment for timber.”.

1 (f) EFFECTIVE DATE.—The amendments made by  
 2 this section shall apply to sales or exchanges after Decem-  
 3 ber 31, 2001.

4 **SEC. 3. AMORTIZATION OF REFORESTATION EXPENDI-**  
 5 **TURES AND REFORESTATION TAX CREDIT.**

6 (a) DECREASE IN AMORTIZATION PERIOD.—

7 (1) IN GENERAL.—Section 194(a) of the Inter-  
 8 nal Revenue Code of 1986 is amended by striking  
 9 “84 months” and inserting “60 months”.

10 (2) CONFORMING AMENDMENT.—Section  
 11 194(a) of such Code is amended by striking “84-  
 12 month period” and inserting “60-month period”.

13 (b) REMOVAL OF CAP ON AMORTIZABLE BASIS.—

14 (1) Section 194 of the Internal Revenue Code  
 15 of 1986 is amended by striking subsection (b) and  
 16 by redesignating subsections (c) and (d) as sub-  
 17 sections (b) and (c), respectively.

18 (2) Subsection (b) of section 194 of such Code  
 19 (as redesignated by paragraph (1)) is amended by  
 20 striking paragraph (4).

21 (3) Paragraph (1) of section 48(b) of such Code  
 22 is amended by striking “(after the application of sec-  
 23 tion 194(b)(1))”.

1       (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to additions to capital account  
3 made after December 31, 2001.

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