

108TH CONGRESS
1ST SESSION

H. R. 3397

To amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2003

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

A BILL

To amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, 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.**

4 This Act may be cited as the “Individual Investment
5 Account Act of 2003”.

6 **SEC. 2. ESTABLISHMENT OF INDIVIDUAL INVESTMENT AC-**
7 **COUNTS.**

8 (a) IN GENERAL.—Part VII of subchapter B of chap-
9 ter 1 of the Internal Revenue Code of 1986 (relating to
10 additional itemized deductions for individuals) is amended

1 by redesignating section 223 as section 224 and by insert-
2 ing after section 222 the following new section:

3 **“SEC. 223. INDIVIDUAL INVESTMENT ACCOUNTS.**

4 “(a) DEDUCTION ALLOWED.—In the case of an indi-
5 vidual, there shall be allowed as a deduction an amount
6 equal to the aggregate amount paid in cash for the taxable
7 year by such individual to an individual investment ac-
8 count established for the benefit of such individual.

9 “(b) DEFINITIONS AND SPECIAL RULES.—For pur-
10 poses of this section—

11 “(1) INDIVIDUAL INVESTMENT ACCOUNT.—The
12 term ‘individual investment account’ means a trust
13 created or organized in the United States for the ex-
14 clusive benefit of an individual, but only if the writ-
15 ten governing instrument creating the trust meets
16 the following requirements:

17 “(A) No contribution will be accepted un-
18 less it is in cash.

19 “(B) The trustee is a bank (as defined in
20 section 408(n)) or another person who dem-
21 onstrates to the satisfaction of the Secretary
22 that the manner in which that person will ad-
23 minister the trust will be consistent with the re-
24 quirements of this section.

1 “(C) No part of the trust assets will be in-
2 vested in any collectible (as defined in section
3 408(m)).

4 “(D) The assets of the trust will not be
5 commingled with other property except in a
6 common trust fund or common investment
7 fund.

8 “(2) TIME WHEN CONTRIBUTIONS DEEMED
9 MADE.—A taxpayer shall be deemed to have made a
10 contribution on the last day of a taxable year if the
11 contribution is made on account of such taxable year
12 and is made not later than the time prescribed by
13 law for filing the return for such taxable year (not
14 including extensions thereof).

15 “(c) TAX TREATMENT OF DISTRIBUTIONS.—

16 “(1) IN GENERAL.—Except as otherwise pro-
17 vided in this subsection, any amount distributed out
18 of an individual investment account shall be included
19 in gross income by the distributee unless such
20 amount is part of a qualified first-time homebuyer
21 distribution.

22 “(2) QUALIFIED FIRST-TIME HOMEBUYER DIS-
23 TRIBUTION.—For purposes of this subsection—

1 “(A) IN GENERAL.—The term ‘qualified
2 first-time homebuyer distribution’ has the
3 meaning given to such term by section 72(t)(8).

4 “(B) DOLLAR LIMITATION.—The aggre-
5 gate amount which may be treated as qualified
6 first-time homebuyer distributions for all tax-
7 able years shall not exceed \$15,000.

8 “(C) BASIS REDUCTION.—The basis of any
9 principal residence described in subparagraph
10 (A) shall be reduced by the amount of any
11 qualified first-time homebuyer distribution.

12 “(3) TRANSFER OF ACCOUNT INCIDENT TO DI-
13 VORCE.—The transfer of an individual’s interest in
14 an individual investment account to his former
15 spouse under a divorce decree or under a written in-
16 strument incident to a divorce shall not be consid-
17 ered a taxable transfer made by such individual not-
18 withstanding any other provision of this subtitle, and
19 such interest at the time of the transfer shall be
20 treated as an individual investment account of such
21 spouse and not of such individual. Thereafter such
22 account shall be treated, for purposes of this sub-
23 title, as maintained for the benefit of such spouse.

24 “(d) TAX TREATMENT OF ACCOUNTS.—

1 “(1) EXEMPTION FROM TAX.—An individual in-
2 vestment account shall be exempt from taxation
3 under this subtitle unless such account has ceased to
4 be such an account by reason of paragraph (2). Not-
5 withstanding the preceding sentence, any such ac-
6 count shall be subject to the taxes imposed by sec-
7 tion 511 (relating to imposition of tax on unrelated
8 business income of charitable, etc. organizations).

9 “(2) LOSS OF EXEMPTION OF ACCOUNT WHERE
10 INDIVIDUAL ENGAGES IN PROHIBITED TRANS-
11 ACTION.—

12 “(A) IN GENERAL.—If, during any taxable
13 year of the individual for whose benefit the indi-
14 vidual investment account is established, that
15 individual engages in any transaction prohibited
16 by section 4975 with respect to the account, the
17 account shall cease to be an individual invest-
18 ment account as of the first day of that taxable
19 year.

20 “(B) ACCOUNT TREATED AS DISTRIBUTING
21 ALL ITS ASSETS.—In any case in which any ac-
22 count ceases to be an individual investment ac-
23 count by reason of subparagraph (A) on the
24 first day of any taxable year, paragraph (1) of
25 subsection (c) shall be applied as if there were

1 a distribution on such first day in an amount
2 equal to the fair market value (on such first
3 day) of all assets in the account (on such first
4 day).

5 “(3) EFFECT OF PLEDGING ACCOUNT AS SECUR-
6 RITY.—If, during any taxable year, an individual for
7 whose benefit an individual investment account is es-
8 tablished uses the account or any portion thereof as
9 security for a loan, the portion so used shall be
10 treated as distributed to that individual.

11 “(4) ROLLOVER CONTRIBUTIONS.—Subsection
12 (c)(1) shall not apply to any amount paid or distrib-
13 uted out of an individual investment account to the
14 individual for whose benefit the account is main-
15 tained if such amount is paid into another individual
16 investment account for the benefit of such individual
17 not later than the 60th day after the day on which
18 he receives the payment or distribution.

19 “(e) COST-OF-LIVING ADJUSTMENT.—

20 “(1) IN GENERAL.—In the case of any taxable
21 year beginning in a calendar year after 2003, the
22 \$15,000 amount contained in subsection (c)(2)(B)
23 shall be increased by an amount equal to—

24 “(A) such dollar amount, multiplied by

1 “(B) the cost-of-living adjustment deter-
2 mined under section 1(f)(3) for the calendar
3 year in which the taxable year begins by sub-
4 stituting ‘calendar year 2002’ for ‘calendar year
5 1992’ in subparagraph (B) thereof.

6 “(2) ROUNDING.—If any dollar amount (as in-
7 creased under paragraph (1)) is not a multiple of
8 \$10, such dollar amount shall be increased to near-
9 est multiple of \$10.

10 “(f) CUSTODIAL ACCOUNTS.—For purposes of this
11 section, a custodial account shall be treated as a trust if
12 the assets of such account are held by a bank (as defined
13 in section 408(n)) or another person who demonstrates,
14 to the satisfaction of the Secretary, that the manner in
15 which he will administer the account will be consistent
16 with the requirements of this section, and if the custodial
17 account would, except for the fact that it is not a trust,
18 constitute an individual investment account described in
19 subsection (b). For purposes of this title, in the case of
20 a custodial account treated as a trust by reason of the
21 preceding sentence, the custodian of such account shall be
22 treated as the trustee thereof.

23 “(g) REPORTS.—The trustee of an individual invest-
24 ment account shall make such reports regarding such ac-
25 count to the Secretary and to the individual for whose ben-

1 efit the account is maintained with respect to contribu-
 2 tions, distributions, and such other matters as the Sec-
 3 retary may require under regulations. The reports re-
 4 quired by this subsection shall be filed at such time and
 5 in such manner and furnished to such individuals at such
 6 time and in such manner as may be required by those reg-
 7 ulations.”

8 (b) DEDUCTION ALLOWED IN ARRIVING AT AD-
 9 JUSTED GROSS INCOME.—Subsection (a) of section 62 of
 10 such Code (defining adjusted gross income) is amended
 11 by inserting after paragraph (18) the following new para-
 12 graph:

13 “(19) INDIVIDUAL INVESTMENT ACCOUNT CON-
 14 TRIBUTIONS.—The deduction allowed by section 223
 15 (relating to individual investment accounts).”

16 (c) INDIVIDUAL INVESTMENT ACCOUNTS EXEMPT
 17 FROM ESTATE TAX.—Part III of subchapter A of chapter
 18 11 of such Code is amended by redesignating section 2046
 19 as section 2047 and by inserting after section 2045 the
 20 following new section:

21 **“SEC. 2046. INDIVIDUAL INVESTMENT ACCOUNTS.**

22 “Notwithstanding any other provision of law, there
 23 shall be excluded from the value of the gross estate the
 24 value of any individual investment account (as defined in

1 section 223(b)). Section 1014 shall not apply to such ac-
 2 counts.”

3 (d) NONRECOGNITION OF GAIN ON SALE OF PRIN-
 4 CIPAL RESIDENCE WHERE AMOUNT EQUAL TO OTHER-
 5 WISE TAXABLE GAIN DEPOSITED INTO INDIVIDUAL IN-
 6 VESTMENT ACCOUNT.—Part III of subchapter B of chap-
 7 ter 1 of such Code is amended by inserting after section
 8 121 the following new section:

9 **“SEC. 121A. EXCLUSION OF GAIN FROM SALE OF PRINCIPAL**
 10 **RESIDENCE IF REINVESTMENT IN INDIVIDUAL INVESTMENT ACCOUNT.**
 11

12 “(a) GENERAL RULE.—Gross income does not in-
 13 clude gain from the sale or exchange of property if, during
 14 the 5-year period ending on the date of the sale or ex-
 15 change, such property has been owned and used by the
 16 taxpayer as his principal residence for periods aggregating
 17 2 years or more.

18 “(b) LIMITATION.—The amount of gain excluded
 19 from gross income under subsection (a) shall not exceed
 20 the amount paid in cash (during the 1-year period begin-
 21 ning on the date of the sale or exchange) to an individual
 22 investment account (as defined in section 223(b)) estab-
 23 lished for the benefit of the taxpayer or his spouse.

24 “(c) CERTAIN RULES ON OWNERSHIP AND USE TO
 25 APPLY.—Rules similar to the rules of section 121(d) shall

1 apply for purposes of determining ownership and use
2 under this section.”

3 (e) TAX ON PROHIBITED TRANSACTIONS.—

4 (1) Paragraph (1) of section 4975(e) of such
5 Code (relating to prohibited transactions) is amend-
6 ed by striking “or” at the end of subparagraph (E),
7 by redesignating subparagraph (F) as subparagraph
8 (G), and by inserting the following new subpara-
9 graph after subparagraph (E):

10 “(F) an individual investment account de-
11 scribed in section 223(b), or”.

12 (2) Subsection (c) of section 4975 of such Code
13 is amended by adding at the end the following new
14 paragraph:

15 “(6) SPECIAL RULE FOR INDIVIDUAL INVEST-
16 MENT ACCOUNTS.—An individual for whose benefit
17 an individual investment account is established shall
18 be exempt from the tax imposed by this section with
19 respect to any transaction concerning such account
20 (which would otherwise be taxable under this sec-
21 tion) if, with respect to such transaction, the ac-
22 count ceases to be an individual investment account
23 by reason of the application of section 223(d)(2)(A)
24 to such account.”

1 (f) FAILURE TO PROVIDE REPORTS ON INDIVIDUAL
 2 INVESTMENT ACCOUNTS.—Paragraph (2) of section
 3 6693(a) of such Code is amended by redesignating sub-
 4 paragraphs (C) and (D) as subparagraphs (D) and (E),
 5 respectively, and by inserting after subparagraph (B) the
 6 following new subparagraph:

7 “(C) section 223(g) (relating to individual
 8 investment accounts),”.

9 (g) ADJUSTMENT OF BASIS OF RESIDENCE AC-
 10 QUIRED THROUGH USE OF ACCOUNT.—Subsection (a) of
 11 section 1016 of such Code is amended by striking “and”
 12 at the end of paragraph (27), by striking the period at
 13 the end of paragraph (28) and inserting “, and”, and by
 14 adding at the end thereof the following new paragraph:

15 “(29) to the extent provided in section
 16 223(c)(2)(C), in the case of a residence the acqui-
 17 sition of which was made in whole or in part with
 18 funds from an individual investment account.”

19 (h) CLERICAL AMENDMENTS.—

20 (1) The table of sections for part III of sub-
 21 chapter B of chapter 1 of such Code is amended by
 22 inserting after the item relating to section 121 the
 23 following new item:

“Sec. 121A. Exclusion of gain from sale of principal residence if
 reinvestment in individual investment account.”

1 (2) The table of sections for part VII of sub-
2 chapter B of chapter 1 of such Code is amended by
3 striking the item relating to section 222 and insert-
4 ing the following:

 “Sec. 222. Individual investment accounts.
 “Sec. 223. Cross reference.”

5 (3) The table of sections for part III of sub-
6 chapter A of chapter 11 of such Code is amended by
7 striking the item relating to section 2046 and insert-
8 ing the following new items:

 “Sec. 2046. Individual investment accounts.
 “Sec. 2047. Disclaimers.”

9 (i) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to taxable years beginning after
11 December 31, 2002.

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