

109TH CONGRESS
1ST SESSION

H. R. 1095

To amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a World Trade Center Memorial Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. FOSSELLA (for himself, Mr. KING of New York, Mr. FORTUÑO, Mrs. MCCARTHY, Ms. HARMAN, Mr. WEINER, Mr. SAXTON, Mr. DAVIS of Illinois, Mr. MENENDEZ, Mr. BISHOP of New York, Mr. ENGEL, Mr. SHAYS, and Mr. ACKERMAN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a World Trade Center Memorial Fund, 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. DESIGNATION OF INCOME TAX PAYMENTS TO**
4 **WORLD TRADE CENTER MEMORIAL FUND.**

5 (a) IN GENERAL.—Subchapter A of chapter 61 of the
6 Internal Revenue Code of 1986 (relating to information

1 and returns) is amended by adding at the end the fol-
2 lowing new part:

3 **“PART IX—DESIGNATION OF INCOME TAX PAY-**
4 **MENTS TO WORLD TRADE CENTER MEMO-**
5 **RIAL FUND**

“Sec. 6098. Designation to World Trade Center Memorial Fund.

6 **“SEC. 6098. DESIGNATION TO WORLD TRADE CENTER ME-**
7 **MORIAL FUND.**

8 “(a) IN GENERAL.—Every individual (other than a
9 nonresident alien) whose adjusted income tax liability for
10 the taxable year is \$1 or more may designate that \$1 shall
11 be paid over to the World Trade Center Memorial Fund
12 in accordance with the provisions of section 9511. In the
13 case of a joint return of husband and wife having an ad-
14 justed income tax liability of \$2 or more, each spouse may
15 designate that \$1 shall be paid to the fund.

16 “(b) ADJUSTED INCOME TAX LIABILITY.—For pur-
17 poses of subsection (a), the term ‘adjusted income tax li-
18 ability’ means, for any individual for any taxable year, the
19 excess (if any) of—

20 “(1) the income tax liability (as defined in sec-
21 tion 6096(b)) of the individual for the taxable year,
22 over

23 “(2) any amount designated by the individual
24 (and, in the case of a joint return, any amount des-

1 ignated by the individual's spouse) under section
2 6096(a) for such taxable year.

3 “(c) MANNER AND TIME OF DESIGNATION.—A des-
4 ignation under subsection (a) may be made with respect
5 to any taxable year—

6 “(1) at the time of filing the return of the tax
7 imposed by chapter 1 for such taxable year, or

8 “(2) at any other time (after the time of filing
9 the return of the tax imposed by chapter 1 for such
10 taxable year) specified in regulations prescribed by
11 the Secretary.

12 Such designation shall be made in such manner as the
13 Secretary prescribes by regulations except that, if such
14 designation is made at the time of filing the return of the
15 tax imposed by chapter 1 for such taxable year, such des-
16 ignation shall be made either on the first page of the re-
17 turn or on the page bearing the taxpayer's signature.

18 “(d) TERMINATION.—This section shall not apply
19 with respect to any taxable year ending after the date on
20 which the Secretary of the Treasury determines that
21 amounts in the World Trade Center Memorial Fund equal
22 or exceed the amounts which are reasonably expected to
23 be distributed from such Fund to the World Trade Center
24 Memorial Foundation under section 9511.”.

1 (b) WORLD TRADE CENTER MEMORIAL FUND.—
2 Subchapter A of chapter 98 of such Code (relating to es-
3 tablishment of trust funds) is amended by adding at the
4 end the following new section:

5 **“SEC. 9511. WORLD TRADE CENTER MEMORIAL FUND.**

6 “(a) CREATION OF TRUST FUND.—There is estab-
7 lished in the Treasury of the United States a trust fund
8 to be known as the ‘World Trade Center Memorial Fund’,
9 consisting of such amounts as may be appropriated or
10 credited to such fund as provided in this section or section
11 9602(b).

12 “(b) TRANSFERS TO TRUST FUND.—There are here-
13 by appropriated to the World Trade Center Memorial
14 Fund amounts equivalent to the amounts designated
15 under section 6098.

16 “(c) EXPENDITURES.—Amounts in the World Trade
17 Center Memorial Fund shall be available to the Secretary
18 of the Treasury, as provided in appropriation Acts, for the
19 purpose of making grants to the World Trade Center Me-
20 morial Foundation (a nonprofit organization incorporated
21 under the laws of the State of New York) for the construc-
22 tion of a memorial at the former site of the World Trade
23 Center in New York.

24 “(d) EXCESS AMOUNTS TRANSFERRED TO GENERAL
25 FUND.—Upon the determination of the Secretary of the

1 Treasury that the memorial described in subsection (c)
2 has been completed, the Secretary of the Treasury shall
3 transfer any amounts remaining in the World Trade Cen-
4 ter Memorial Fund to the general fund of the Treasury.”.

5 (c) CLERICAL AMENDMENTS.—

6 (1) The table of parts for subchapter A of chap-
7 ter 61 of such Code is amended by adding at the
8 end the following new item:

“PART IX. DESIGNATION OF INCOME TAX PAYMENTS TO WORLD TRADE
CENTER MEMORIAL FUND”.

9 (2) The table of sections for subchapter A of
10 chapter 98 of such Code is amended by adding at
11 the end the following new item:

“Sec. 9511. World Trade Center Memorial Fund.”.

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

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