

109TH CONGRESS
1ST SESSION

H. R. 3773

To amend the Internal Revenue Code of 1986 to reward those Americans who provide volunteer services in times of national need.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2005

Mrs. LOWEY (for herself, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. ETHERIDGE, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MENENDEZ, Mr. OWENS, Mr. SERRANO, Mr. CROWLEY, Mr. CLEAVER, Mr. NADLER, Ms. WASSERMAN SCHULTZ, and Mr. DELAHUNT) 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 reward those Americans who provide volunteer services in times of national need.

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 “Assistance to Individ-
5 uals Delivering for America Act of 2005” or the “AID
6 for America Act of 2005”.

1 **SEC. 2. EMPLOYER CREDIT FOR WAGES PAID TO EMPLOY-**
2 **EES WHO PERFORM VOLUNTEER DISASTER**
3 **RELIEF SERVICES.**

4 (a) IN GENERAL.—Subpart D of part IV of sub-
5 chapter A of chapter 1 of the Internal Revenue Code of
6 1986 (relating to business related credits) is amended by
7 inserting after section 45M the following new section:

8 **“SEC. 45N. EMPLOYER CREDIT FOR WAGES PAID TO EM-**
9 **PLOYEES WHO PERFORM VOLUNTEER DIS-**
10 **ASTER RELIEF SERVICES.**

11 “(a) IN GENERAL.—For purposes of section 38, the
12 employee disaster relief volunteer services credit deter-
13 mined under this section for the taxable year is an amount
14 equal to 50 percent of the wages paid or incurred by the
15 taxpayer during the taxable year to any employee of the
16 taxpayer while such employee is performing qualified dis-
17 aster relief services.

18 “(b) LIMITATIONS.—

19 “(1) MAXIMUM CREDIT PER EMPLOYEE.—The
20 credit determined under this section with respect to
21 services performed by an employee shall not exceed
22 \$50 per day period of qualified disaster relief serv-
23 ices.

24 “(2) MINIMUM PERIOD OF CREDITABLE SERV-
25 ICE.—A day of qualified disaster relief services of an

1 employee may be taken into account under this sec-
2 tion only if—

3 “(A) such services are performed for at
4 least 8 hours of such day, and

5 “(B) such day is within a 7-day period on
6 at least 5 days of which the requirement of sub-
7 paragraph (A) is met.

8 “(3) MAXIMUM PERIOD OF CREDITABLE SERV-
9 ICE.—The period of qualified disaster relief services
10 performed by an employee which may be taken into
11 account under this section for the taxable year shall
12 not exceed 90 days.

13 “(c) EMPLOYER MUST MAINTAIN WAGES AND BENE-
14 FITS.—No credit shall be determined under this section
15 for wages paid or incurred by the taxpayer during any pe-
16 riod unless the wages and benefits provided by the tax-
17 payer for such period are the same as they would be were
18 the employee not performing qualified disaster relief serv-
19 ices and were performing such employee’s normal services
20 for the employer.

21 “(d) DEFINITIONS.—For purposes of this section—

22 “(1) QUALIFIED DISASTER RELIEF SERVICES.—
23 The term ‘qualified disaster relief services’ means
24 any service furnished by an employee of the taxpayer
25 if—

1 “(A) the services are performed for an or-
2 ganization—

3 “(i) which is determined by the Fed-
4 eral Emergency Management Agency as a
5 bona fide disaster relief organization, and

6 “(ii) which is determined by the Sec-
7 retary to have adequate recordkeeping and
8 reporting procedures to make determina-
9 tions under this section,

10 “(B) the services are performed in the area
11 of a Presidentially declared disaster (as defined
12 in section 1003(h)(3)) or in support of recovery
13 efforts from such a disaster and are so certified
14 by such organization, and

15 “(C) the employee receives no additional
16 compensation for performing such services and
17 the employer receives no compensation for such
18 services.

19 “(2) WAGES.—The term ‘wages’ has the mean-
20 ing given to such term by section 51(c).

21 “(e) CONTROLLED GROUPS.—Rules similar to the
22 rules of section 1397(b) shall apply for purposes of this
23 section.”

1 (b) DENIAL OF DOUBLE BENEFIT.—Subsection (a)
2 of section 280C of such Code is amended by inserting
3 “45N(a),” after “45A(a),”.

4 (c) CREDIT MADE PART OF GENERAL BUSINESS
5 CREDIT.—

6 (1) IN GENERAL.—Subsection (b) of section 38
7 of such Code (relating to current year business cred-
8 it) is amended by striking “plus” at the end of para-
9 graph (23), by striking the period at the end of
10 paragraph (24) and inserting “, plus”, and by add-
11 ing at the end thereof the following new paragraph:

12 “(25) the employee disaster relief volunteer
13 services credit determined under section 45N(a).”.

14 (2) DEDUCTION FOR CERTAIN UNUSED BUSI-
15 NESS CREDITS.—Subsection (c) of section 196 of
16 such Code is amended by striking “and” at the end
17 of paragraph (12), by striking the period at the end
18 of paragraph (13) and inserting “, and”, and by
19 adding after paragraph (13) the following new para-
20 graph:

21 “(14) the employee disaster relief volunteer
22 services credit determined under section 45N(a).”.

23 (d) CLERICAL AMENDMENT.—The table of sections
24 for subpart D of part IV of subchapter A of chapter 1

1 of such Code is amended by inserting after the item relat-
2 ing to section 45M the following new item:

“Sec. 45N. Employer credit for wages paid to employees who perform volunteer
disaster relief services.”.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to services performed after August
5 24, 2005, in taxable years ending after such date.

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