

109TH CONGRESS
1ST SESSION

S. 675

To reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2005

Mr. DORGAN (for himself, Mr. HAGEL, Mr. BROWNBACK, Mr. JOHNSON, Mr. DURBIN, Mr. BURNS, Mr. CONRAD, Mr. DAYTON, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, 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; ETC.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “New Homestead Act of 2005”.

6 (b) **AMENDMENT OF 1986 CODE.**—Except as other-
7 wise expressly provided, whenever in this Act an amend-
8 ment or repeal is expressed in terms of an amendment
9 to, or repeal of, a section or other provision, the reference

1 shall be considered to be made to a section or other provi-
 2 sion of the Internal Revenue Code of 1986.

3 (c) TABLE OF CONTENTS.—The table of contents for
 4 this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—NEW HOMESTEAD OPPORTUNITIES

Sec. 101. Loans for leadership initiative.

Sec. 102. Credit for certain rural homebuyers.

Sec. 103. Capital loss deduction allowed with respect to sale or exchange of
 principal residence in certain rural areas.

Sec. 104. Individual homestead accounts.

TITLE II—INCENTIVES FOR MAIN STREET BUSINESSES

Sec. 201. Rural investment tax credit.

Sec. 202. Qualified rural small business investment credit.

Sec. 203. Accelerated depreciation for rural investment property.

TITLE III—NEW HOMESTEAD VENTURE CAPITAL FUND

Sec. 301. New homestead venture capital fund.

5 **TITLE I—NEW HOMESTEAD** 6 **OPPORTUNITIES**

7 **SEC. 101. LOANS FOR LEADERSHIP INITIATIVE.**

8 (a) DEFINITIONS.—In this section:

9 (1) DEGREE.—The term “degree” means an as-
 10 sociate’s or bachelor’s degree awarded by an institu-
 11 tion of higher education.

12 (2) INSTITUTION OF HIGHER EDUCATION.—The
 13 term “institution of higher education” has the
 14 meaning given the term in section 101 of the Higher
 15 Education Act of 1965 (20 U.S.C. 1001).

16 (3) QUALIFYING COUNTY.—The term “quali-
 17 fying county” means any county which—

1 (A) is outside a metropolitan statistical
2 area (defined as such by the Office of Manage-
3 ment and Budget), and

4 (B) during the 20-year period ending with
5 the calendar year preceding the date of enact-
6 ment of this Act, has a net out-migration of in-
7 habitants from the county of at least 10 percent
8 of the population of the county at the beginning
9 of such period.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Education.

12 (b) PROGRAM.—

13 (1) IN GENERAL.—The Secretary shall carry
14 out a program of assuming the obligation to repay,
15 pursuant to subsection (c), a loan made, insured, or
16 guaranteed under part B, D, or E of title IV of the
17 Higher Education Act of 1965 (20 U.S.C. 1071 et
18 seq., 20 U.S.C. 1087a et seq., and 20 U.S.C.
19 1087aa et seq.), excluding loans made under section
20 428B of such Act or comparable loans made under
21 part D of such Act, for any borrower who—

22 (A) completes a degree;

23 (B) resides in a qualifying county; and

24 (C) is employed in a qualifying county.

1 (2) REGULATIONS.—The Secretary is author-
2 ized to prescribe such regulations as may be nec-
3 essary to carry out the provisions of this section.

4 (c) LOAN REPAYMENT.—

5 (1) IN GENERAL.—The Secretary shall assume
6 the obligation to repay, after each of the first 5
7 years of the residency and employment described in
8 subparagraphs (B) and (C) of subsection (b)(1) that
9 occur after the date of enactment of this section, 10
10 percent of the total amount of all loans made to a
11 student under the provisions of the Higher Edu-
12 cation Act of 1965 as described in subsection (b)(1),
13 up to a maximum amount of \$2,000 each year.

14 (2) CONSTRUCTION.—Nothing in this section
15 shall be construed to authorize the refunding of any
16 repayment of a loan made under part B, D, or E
17 of title IV of the Higher Education Act of 1965.

18 (3) INTEREST.—If a portion of a loan is repaid
19 by the Secretary under this section for any year, the
20 proportionate amount of interest on such loan which
21 accrues for such year shall be repaid by the Sec-
22 retary so long as the total amount repaid by the
23 Secretary in any 1 year does not exceed \$2,000.

24 (d) REPAYMENT TO ELIGIBLE LENDERS.—The Sec-
25 retary shall pay to each eligible lender or holder for each

1 fiscal year an amount equal to the aggregate amount of
2 loans which are subject to repayment pursuant to this sec-
3 tion for such year.

4 (e) APPLICATION FOR REPAYMENT.—

5 (1) IN GENERAL.—An eligible borrower desiring
6 loan repayment under this section shall submit a
7 complete and accurate application to the Secretary
8 at such time, in such manner, and containing such
9 information as the Secretary may require.

10 (2) CONDITIONS.—An eligible borrower may
11 apply for loan repayment under this section after
12 completing each year of qualifying residency and em-
13 ployment. The eligible borrower shall receive forbear-
14 ance while engaged in qualifying residency and em-
15 ployment unless the borrower is in deferment while
16 so engaged.

17 (f) DEFINITION OF ELIGIBLE BORROWER.—In this
18 section the term “eligible borrower” means any borrower
19 who is not in default on any of the borrower’s student
20 loans under part B, D, or E of title IV of the Higher
21 Education Act of 1965.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) LOAN REPAYMENT.—There are authorized
24 to be appropriated to carry out this section such
25 sums as may be necessary.

1 (2) PERKINS LOAN FUNDS.—There are author-
 2 ized to be appropriated such sums as may be nec-
 3 essary for Federal capital contributions to student
 4 loan funds established under part E of title IV of
 5 the Higher Education Act of 1965.

6 (h) REPAYMENT EXCLUDED FROM GROSS IN-
 7 COME.—Section 108(f)(1) (relating to student loans) is
 8 amended by inserting “or pursuant to section 101 of the
 9 New Homestead Act of 2005” after “employers”.

10 **SEC. 102. CREDIT FOR CERTAIN RURAL HOMEBUYERS.**

11 (a) IN GENERAL.—Subpart A of part IV of sub-
 12 chapter A of chapter 1 (relating to nonrefundable personal
 13 credits) is amended by inserting before section 26 the fol-
 14 lowing new section:

15 **“SEC. 25C. PURCHASE OF RESIDENCES BY CERTAIN RURAL**
 16 **HOMEBUYERS.**

17 “(a) ALLOWANCE OF CREDIT.—In the case of an in-
 18 dividual who purchases a qualified residence in a quali-
 19 fying county during any taxable year, there shall be al-
 20 lowed as a credit against the tax imposed by this chapter
 21 for the taxable year an amount equal to the lesser of—

22 “(1) 10 percent of the purchase price of the
 23 residence, or

24 “(2) \$5,000.

25 “(b) LIMITATIONS.—

1 “(1) LIMITATION BASED ON AMOUNT OF
2 TAX.—The credit allowed under subsection (a) for
3 any taxable year shall not exceed the excess of—

4 “(A) the sum of the regular tax liability
5 (as defined in section 26(b)) plus the tax im-
6 posed by section 55, over

7 “(B) the sum of the credits allowable
8 under this subpart (other than this section and
9 section 23) and section 27 for the taxable year.

10 “(2) MARRIED INDIVIDUALS FILING JOINTLY.—
11 In the case of a husband and wife who file a joint
12 return, the credit under this section is allowable only
13 if the residence is a qualified residence with respect
14 to both the husband and wife, and the amount speci-
15 fied under subsection (a)(2) shall apply to the joint
16 return.

17 “(3) MARRIED INDIVIDUALS FILING SEPA-
18 RATELY.—In the case of a married individual filing
19 a separate return, subsection (a)(2) shall be applied
20 by substituting ‘\$2,500’ for ‘\$5,000’.

21 “(4) OTHER TAXPAYERS.—If 2 or more individ-
22 uals who are not married purchase a qualified resi-
23 dence, the amount of the credit allowed under sub-
24 section (a) shall be allocated among such individuals
25 in such manner as the Secretary may prescribe, ex-

1 cept that the total amount of the credits allowed to
2 all such individuals shall not exceed \$5,000.

3 “(c) DEFINITIONS.—For purposes of this section—

4 “(1) QUALIFIED RESIDENCE.—The term ‘quali-
5 fied residence’ has the same meaning as when used
6 in section 163(h).

7 “(2) QUALIFYING COUNTY.—The term ‘quali-
8 fying county’ means any county which—

9 “(A) is outside a metropolitan statistical
10 area (defined as such by the Office of Manage-
11 ment and Budget), and

12 “(B) during the 20-year period ending
13 with the calendar year preceding the date of the
14 enactment of this section, has a net out-migra-
15 tion of inhabitants from the county of at least
16 10 percent of the population of the county at
17 the beginning of such period.

18 “(3) PURCHASE AND PURCHASE PRICE.—The
19 terms ‘purchase’ and ‘purchase price’ have the
20 meanings provided by section 1400C(e).

21 “(d) CARRYFORWARD OF UNUSED CREDIT.—If the
22 credit allowable under subsection (a) for any taxable year
23 exceeds the limitation imposed by subsection (b)(1) for
24 such taxable year reduced by the sum of the credits allow-
25 able under this subpart (other than this section and sec-

1 tion 23), such excess shall be carried to the succeeding
2 taxable year and added to the credit allowable under sub-
3 section (a) for such taxable year.

4 “(e) REPORTING.—If the Secretary requires informa-
5 tion reporting under section 6045 by a person described
6 in subsection (e)(2) thereof to verify the eligibility of tax-
7 payers for the credit allowable by this section, the excep-
8 tion provided by section 6045(e)(5) shall not apply.

9 “(f) RECAPTURE OF CREDIT IN CASE OF CERTAIN
10 SALES.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (5), if the taxpayer disposes of a qualified res-
13 idence with respect to the purchase of which a credit
14 was allowed under subsection (a) at any time within
15 5 years after the date the taxpayer acquired the
16 property, then the tax imposed under this chapter
17 for the taxable year in which the disposition occurs
18 is increased by the credit recapture amount.

19 “(2) CREDIT RECAPTURE AMOUNT.—For pur-
20 poses of paragraph (1), the credit recapture amount
21 is an amount equal to the sum of—

22 “(A) the applicable recapture percentage of
23 the amount of the credit allowed to the tax-
24 payer under this section, plus

1 “(B) interest at the overpayment rate es-
 2 tablished under section 6621 on the amount de-
 3 termined under subparagraph (A) for each
 4 prior taxable year for the period beginning on
 5 the due date for filing the return for the prior
 6 taxable year involved.

7 No deduction shall be allowed under this chapter for
 8 interest described in subparagraph (B).

9 “(3) APPLICABLE RECAPTURE PERCENTAGE.—

10 “(A) IN GENERAL.—For purposes of this
 11 subsection, the applicable recapture percentage
 12 shall be determined from the following table:

“If the sale occurs in:	The applicable recapture percentage is:
Year 1	100
Year 2	80
Year 3	60
Year 4	40
Year 5	20
Years 6 and thereafter	0.

13 “(B) YEARS.—For purposes of subpara-
 14 graph (A), year 1 shall begin on the first day
 15 of the taxable year in which the purchase of the
 16 qualified residence described in subsection (a)
 17 occurs.

18 “(4) NO CREDITS AGAINST TAX.—Any increase
 19 in tax under this subsection shall not be treated as
 20 a tax imposed by this chapter for purposes of deter-

1 mining the amount of any credit under this chapter
2 or for purposes of section 55.

3 “(5) DEATH OF OWNER; CASUALTY LOSS; IN-
4 VOLUNTARY CONVERSION; ETC.—The provisions of
5 paragraph (1) do not apply to—

6 “(A) a disposition of a qualified residence
7 made on account of the death of any individual
8 having a legal or equitable interest therein oc-
9 ccurring during the 5-year period to which ref-
10 erence is made under paragraph (1),

11 “(B) a disposition of the old qualified resi-
12 dence if it is substantially or completely de-
13 stroyed by a casualty described in section
14 165(c)(3) or compulsorily or involuntarily con-
15 verted (within the meaning of section 1033(a)),
16 or

17 “(C) a disposition pursuant to a settlement
18 in a divorce or legal separation proceeding
19 where the qualified residence is sold or the
20 other spouse retains such residence.

21 “(g) BASIS ADJUSTMENT.—For purposes of this sub-
22 title, if a credit is allowed under this section with respect
23 to the purchase of any residence, the basis of such resi-
24 dence shall be reduced by the amount of the credit so al-
25 lowed.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Subsection (a) of section 1016 (relating to
3 general rule for adjustments to basis) is amended by
4 striking “and” at the end of paragraph (30), by
5 striking the period at the end of paragraph (31) and
6 inserting “, and”, and by adding at the end the fol-
7 lowing new paragraph:

8 “(32) in the case of a residence with respect to
9 which a credit was allowed under section 25C, to the
10 extent provided in section 25C(g).”.

11 (2) Section 24(b)(3)(B) is amended by striking
12 “23 and 25B” and inserting “23, 25B, and 25C”.

13 (3) Section 25(e)(1)(C) is amended by inserting
14 “25C,” after “25B,”.

15 (4) Section 25B(g) is amended by striking “sec-
16 tion 23” and inserting “sections 23 and 25C”.

17 (5) Section 26(a)(1) is amended by striking
18 “and 25B” and inserting “25B, and 25C”.

19 (6) Section 1400C(d) is amended by striking
20 “and 25B” and inserting “25B, and 25C”.

21 (7) The table of sections for subpart A of part
22 IV of subchapter A of chapter 1 is amended by in-
23 serting before the item relating to section 26 the fol-
24 lowing new item:

“Sec. 25C. Purchase of residences by certain rural homebuyers.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to purchases after the date of the
3 enactment of this Act, in taxable years ending after such
4 date.

5 **SEC. 103. CAPITAL LOSS DEDUCTION ALLOWED WITH RE-**
6 **SPECT TO SALE OR EXCHANGE OF PRINCIPAL**
7 **RESIDENCE IN CERTAIN RURAL AREAS.**

8 (a) IN GENERAL.—Subsection (c) of section 165 (re-
9 lating to limitation on losses of individuals) is amended—

10 (1) by striking “and” at the end of paragraph

11 (2),

12 (2) by striking the period at the end of para-
13 graph (3) and inserting “; and”, and

14 (3) by adding at the end the following new
15 paragraph:

16 “(4) losses arising from the sale or exchange of
17 the principal residence (within the meaning of sec-
18 tion 121) of the taxpayer located in a qualifying
19 county (as defined in section 223(b)(2)), but only if
20 the principal residence was acquired by the taxpayer
21 after the date of enactment of this paragraph.”.

22 (b) CONFORMING AMENDMENT.—Section 67(b)(3) is
23 amended by striking “paragraph (2) or (3)” and inserting
24 “paragraph (2), (3), or (4)”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to sales and exchanges after the
 3 date of the enactment of this Act, in taxable years ending
 4 after such date.

5 **SEC. 104. INDIVIDUAL HOMESTEAD ACCOUNTS.**

6 (a) IN GENERAL.—Subchapter F of chapter 1 (relat-
 7 ing to exempt organizations) is amended by adding at the
 8 end the following new part:

9 **“PART IX—INDIVIDUAL HOMESTEAD ACCOUNTS**

“Sec. 530A. Individual homestead accounts.

10 **“SEC. 530A. INDIVIDUAL HOMESTEAD ACCOUNTS.**

11 “(a) GENERAL RULE.—An individual homestead ac-
 12 count shall be exempt from taxation under this subtitle.
 13 Notwithstanding the preceding sentence, any individual
 14 homestead account shall be subject to the taxes imposed
 15 by section 511 (relating to imposition of tax on unrelated
 16 business income of charitable, etc., organizations).

17 “(b) INDIVIDUAL HOMESTEAD ACCOUNT.—For pur-
 18 poses of this title, the term ‘individual homestead account’
 19 means a trust created or organized in the United States
 20 for the exclusive benefit of a qualified individual or his
 21 beneficiaries, but only if the written governing instrument
 22 creating the trust meets the following requirements:

23 “(1) Except in the case of a qualified rollover
 24 (as defined in subsection (f)(7))—

1 “(A) no contribution will be accepted un-
2 less it is in cash,

3 “(B) contributions will not be accepted for
4 the taxable year in excess of \$2,500 (deter-
5 mined without regard to any contribution made
6 under subsection (d)), and

7 “(C) contributions will not be accepted for
8 any taxable year following the fifth taxable year
9 in which the qualified individual has contributed
10 to any individual homestead account.

11 “(2) The requirements of paragraphs (2)
12 through (6) of section 408(a) are met.

13 “(c) QUALIFIED INDIVIDUAL; QUALIFYING COUN-
14 TY.—For purposes of this section—

15 “(1) QUALIFIED INDIVIDUAL.—The term ‘quali-
16 fied individual’ means, for any taxable year, an indi-
17 vidual who is a bona fide resident of a qualifying
18 county.

19 “(2) QUALIFYING COUNTY.—The term ‘quali-
20 fying county’ means any county which—

21 “(A) is outside a metropolitan statistical
22 area (defined as such by the Office of Manage-
23 ment and Budget), and

24 “(B) during the 20-year period ending
25 with the calendar year preceding the date of the

1 enactment of this section, has a net out-migra-
2 tion of inhabitants from the county of at least
3 10 percent of the population of the county at
4 the beginning of such period.

5 “(d) MATCHING CONTRIBUTIONS TO INDIVIDUAL
6 HOMESTEAD ACCOUNTS.—

7 “(1) IN GENERAL.—Not less than once each
8 taxable year, the Secretary shall deposit (to the ex-
9 tent provided in appropriation Acts) into an indi-
10 vidual Homestead account of each qualified indi-
11 vidual an amount equal to the applicable percentage
12 of the sum of the amounts deposited into all of the
13 individual homestead accounts of such individual
14 during such taxable year (determined without regard
15 to any amount contributed under this subsection).

16 “(2) APPLICABLE PERCENTAGE.—For purposes
17 of this subsection, the applicable percentage with re-
18 spect to any qualified individual for any taxable year
19 shall be determined in accordance with the following
20 tables:

21 “(A) In the case of a married individual
22 (as defined in section 7703) filing a joint re-
23 turn:

“If modified adjusted gross income is:	The applicable percentage is:
\$30,000 or less	50
Over \$30,000 but not over \$60,000	25

“If modified adjusted gross income is:	The applicable percentage is:
Over \$60,000 but not over \$100,000	12.5
Over \$100,000	zero.

1 “(B) In the case of a head of household
 2 (as defined in section 2(b)):

“If modified adjusted gross income is:	The applicable percentage is:
\$22,500 or less	50
Over \$22,500 but not over \$45,000	25
Over \$45,000 but not over \$75,000	12.5
Over \$75,000	zero.

3 “(C) In the case of any other individual:

“If modified adjusted gross income is:	The applicable percentage is:
\$15,000 or less	50
Over \$15,000 but not over \$30,000	25
Over \$30,000 but not over \$50,000	12.5
Over \$50,000	zero.

4 For purposes of this paragraph, the term ‘modified
 5 adjusted gross income’ has the meaning given such
 6 term by section 86(b)(2).

7 “(3) EXCLUSION FROM INCOME.—Except as
 8 otherwise provided in this section, gross income shall
 9 not include any amount deposited into an individual
 10 homestead account under paragraph (1).

11 “(4) FORFEITURE OF MATCHING CONTRIBU-
 12 TIONS IN THE CASE OF CERTAIN DISTRIBUTIONS.—
 13 In the event of a distribution from an individual
 14 homestead account before the date described in sub-
 15 section (f)(1)(A) (other than a distribution described
 16 in subsection (e)(2)(A)), the account holder shall
 17 forfeit the corresponding matching contributions and

1 interest earned on the matching contributions, un-
2 less such distribution is recontributed to such ac-
3 count within 6 months of such distribution.

4 “(e) TAX TREATMENT OF DISTRIBUTIONS.—

5 “(1) INCLUSION OF AMOUNTS IN GROSS IN-
6 COME.—Except as otherwise provided in this sub-
7 section, any amount paid or distributed out of an in-
8 dividual homestead account shall be includible in the
9 gross income of the payee or distributee, as the case
10 may be, in the manner as provided in section 72.
11 For purposes of the preceding sentence, distributions
12 which are includible in gross income shall be treated
13 as first attributable to amounts contributed under
14 subsection (d) to the extent thereof.

15 “(2) EXCLUSION OF CATASTROPHIC MEDICAL
16 EXPENSE DISTRIBUTIONS IN FIRST FIVE YEARS AND
17 QUALIFIED INDIVIDUAL HOMESTEAD DISTRIBUTIONS
18 THEREAFTER.—Paragraph (1) shall not apply to—

19 “(A) any distribution described in section
20 72(t)92)(B) before the date described in sub-
21 section (f)(1)(A), but only to the extent such
22 distribution does not exceed the balance in the
23 account as of the date of such distribution, re-
24 duced by any matching contribution under sub-
25 section (d), and

1 “(B) any qualified individual homestead
2 distribution.

3 “(f) QUALIFIED INDIVIDUAL HOMESTEAD DISTRIBUTION.—For purposes of this section—

5 “(1) IN GENERAL.—The term ‘qualified individual homestead distribution’ means any amount
6 paid or distributed out of an individual homestead
7 account which would otherwise be includible in gross
8 income, to the extent that such payment or distribution—
9
10 tion—

11 “(A) is paid or distributed after the 5-tax-
12 able year period beginning with the first taxable
13 year in which the qualified individual made a
14 contribution to the individual homestead ac-
15 count (including any predecessor account), and

16 “(B) is used exclusively to pay qualified in-
17 dividual homestead expenses for the qualified
18 individual or the spouse or dependent (as de-
19 fined in section 152) of such individual.

20 “(2) QUALIFIED INDIVIDUAL HOMESTEAD EX-
21 PENSES.—The term ‘qualified individual homestead
22 expenses’ means any of the following:

23 “(A) Qualified higher education expenses.

24 “(B) Qualified first-time homebuyer costs.

1 “(C) Qualified business capitalization
2 costs.

3 “(D) Qualified medical expenses.

4 “(E) Qualified rollovers.

5 “(3) QUALIFIED HIGHER EDUCATION EX-
6 PENSES.—

7 “(A) IN GENERAL.—The term ‘qualified
8 higher education expenses’ has the meaning
9 given such term by section 72(t)(7), determined
10 by treating postsecondary vocational edu-
11 cational schools as eligible educational institu-
12 tions.

13 “(B) POSTSECONDARY VOCATIONAL EDU-
14 CATION SCHOOL.—The term ‘postsecondary vo-
15 cational educational school’ means an area vo-
16 cational education school (as defined in sub-
17 paragraph (C) or (D) of section 521(4) of the
18 Carl D. Perkins Vocational and Applied Tech-
19 nology Education Act (20 U.S.C. 2471(4)))
20 which is in any State (as defined in section
21 521(33) of such Act), as such sections are in
22 effect on the date of the enactment of this sec-
23 tion.

24 “(C) COORDINATION WITH OTHER BENE-
25 FITS.—The amount of qualified higher edu-

1 cation expenses for any taxable year shall be re-
2 duced as provided in section 25A(g)(2).

3 “(4) QUALIFIED FIRST-TIME HOMEBUYER
4 COSTS.—The term ‘qualified first-time homebuyer
5 costs’ means qualified acquisition costs (as defined
6 in section 72(t)(8) without regard to subparagraph
7 (B) thereof) with respect to a principal residence
8 (within the meaning of section 121) located in a
9 qualifying county for a qualified first-time home-
10 buyer (as defined in section 72(t)(8)).

11 “(5) QUALIFIED BUSINESS CAPITALIZATION
12 COSTS.—

13 “(A) IN GENERAL.—The term ‘qualified
14 business capitalization costs’ means qualified
15 expenditures for the capitalization of a qualified
16 business pursuant to a qualified plan.

17 “(B) QUALIFIED EXPENDITURES.—The
18 term ‘qualified expenditures’ means expendi-
19 tures included in a qualified plan, including
20 capital, plant, equipment, working capital, and
21 inventory expenses.

22 “(C) QUALIFIED BUSINESS.—The term
23 ‘qualified business’ means any trade or business
24 located in a qualifying county other than any
25 trade or business—

1 “(i) which consists of the operation of
2 any facility described in section
3 144(c)(6)(B), or

4 “(ii) which contravenes any law.

5 Rules similar to the rules under subsection (b)
6 or (c) of section 1397C shall apply to any quali-
7 fied business under this section.

8 “(D) QUALIFIED PLAN.—The term ‘quali-
9 fied plan’ means a business plan which meets
10 such requirements as the Secretary may specify.

11 “(6) QUALIFIED MEDICAL EXPENSES.—The
12 term ‘qualified medical expenses’ means any amount
13 paid during the taxable year, not compensated for by
14 insurance or otherwise, for medical care (as defined
15 in section 213(d)) of the taxpayer, his spouse, or his
16 dependent (as defined in section 152).

17 “(7) QUALIFIED ROLLOVERS.—The term ‘quali-
18 fied rollover’ means any amount paid from an indi-
19 vidual homestead account of a taxpayer into another
20 such account established for the benefit of—

21 “(A) such taxpayer, or

22 “(B) any qualified individual who is—

23 “(i) the spouse of such taxpayer, or

24 “(ii) any dependent (as defined in sec-
25 tion 152) of the taxpayer.

1 Rules similar to the rules of section 408(d)(3) shall
2 apply for purposes of this paragraph.

3 “(g) TAX TREATMENT OF ACCOUNTS.—

4 “(1) LOSS OF EXEMPTION IN CASE OF PROHIB-
5 ITED TRANSACTIONS.—For purposes of this section,
6 rules similar to the rules of section 408(e) shall
7 apply.

8 “(2) OTHER RULES TO APPLY.—Rules similar
9 to the rules of paragraphs (4), (5), and (6) of sec-
10 tion 408(d) shall apply for purposes of this section.

11 “(h) OTHER DEFINITIONS AND SPECIAL RULES.—
12 For purposes of this section—

13 “(1) ALL ACCOUNTS TREATED AS ONE AC-
14 COUNT.—All individual homestead accounts of a
15 qualified individual shall be treated as 1 account.

16 “(2) TIME WHEN CONTRIBUTIONS DEEMED
17 MADE.—A taxpayer shall be deemed to have made a
18 contribution to an individual homestead account on
19 the last day of the preceding taxable year if the con-
20 tribution is made on account of such taxable year
21 and is made not later than the time prescribed by
22 law for filing the return for such taxable year (not
23 including extensions thereof).

24 “(3) CUSTODIAL ACCOUNTS.—Rules similar to
25 the rules of section 408(h) shall apply.

1 “(4) REPORTS.—The trustee of an individual
2 homestead account shall make such reports regard-
3 ing such account to the Secretary and to the indi-
4 vidual for whom the account is maintained with re-
5 spect to contributions (and the years to which they
6 relate), distributions, and such other matters as the
7 Secretary may require under regulations. The re-
8 ports required by this paragraph—

9 “(A) shall be filed at such time and in
10 such manner as the Secretary prescribes in
11 such regulations, and

12 “(B) shall be furnished to individuals—

13 “(i) not later than January 31 of the
14 calendar year following the calendar year
15 to which such reports relate, and

16 “(ii) in such manner as the Secretary
17 prescribes in such regulations.

18 “(5) INVESTMENT IN COLLECTIBLES TREATED
19 AS DISTRIBUTIONS.—Rules similar to the rules of
20 section 408(m) shall apply.

21 “(i) DESIGNATION OF EARNED INCOME TAX CREDIT
22 PAYMENTS FOR DEPOSIT TO INDIVIDUAL HOMESTEAD
23 ACCOUNT.—

24 “(1) IN GENERAL.—With respect to the return
25 of any qualified individual for the taxable year of the

1 tax imposed by this chapter, such individual may
2 designate that a specified portion (not less than \$1)
3 of any overpayment of tax for such taxable year
4 which is attributable to the earned income tax credit
5 shall be deposited by the Secretary into an individual
6 homestead account of such individual. The Secretary
7 shall so deposit such portion designated under this
8 subsection.

9 “(2) MANNER AND TIME OF DESIGNATION.—A
10 designation under paragraph (1) may be made with
11 respect to any taxable year—

12 “(A) at the time of filing the return of the
13 tax imposed by this chapter for such taxable
14 year, or

15 “(B) at any other time (after the time of
16 filing the return of the tax imposed by this
17 chapter for such taxable year) specified in regu-
18 lations prescribed by the Secretary.

19 Such designation shall be made in such manner as
20 the Secretary prescribes by regulations.

21 “(3) PORTION ATTRIBUTABLE TO EARNED IN-
22 COME TAX CREDIT.—For purposes of this sub-
23 section, an overpayment for any taxable year shall
24 be treated as attributable to the earned income tax
25 credit to the extent that such overpayment does not

1 exceed the credit allowed to the taxpayer under sec-
2 tion 32 for such taxable year.

3 “(4) OVERPAYMENTS TREATED AS RE-
4 FUNDED.—For purposes of this title, any portion of
5 an overpayment of tax designated under paragraph
6 (1) shall be treated as being refunded to the tax-
7 payer as of the last date prescribed for filing the re-
8 turn of tax imposed by this chapter (determined
9 without regard to extensions) or, if later, the date
10 the return is filed.

11 “(j) PENALTY FOR DISTRIBUTIONS NOT USED FOR
12 QUALIFIED INDIVIDUAL HOMESTEAD EXPENSES.—

13 “(1) IN GENERAL.—If any amount is distrib-
14 uted from an individual homestead account and is
15 not used exclusively to pay qualified individual
16 homestead expenses for the holder of the account or
17 the spouse or dependent (as defined in section 152)
18 of such holder, the tax imposed by this chapter for
19 the taxable year of such distribution shall be in-
20 creased by 10 percent of such amount which is in-
21 cludible in gross income. For purposes of the pre-
22 ceding sentence, distributions which are includible in
23 gross income shall be treated as first attributable to
24 amounts contributed under subsection (d) to the ex-
25 tent thereof.

1 “(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS.—Paragraph (1) shall not apply to distributions which are—

4 “(A) made on or after the date on which
5 the account holder attains age 59½,

6 “(B) made to a beneficiary (or the estate
7 of the account holder) on or after the death of
8 the account holder,

9 “(C) attributable to the account holder’s
10 being disabled within the meaning of section
11 72(m)(7), or

12 “(D) described in subsection (e)(2)(A).

13 “(k) APPLICATION OF SECTION.—This section shall
14 apply to amounts paid to an individual homestead account
15 for any taxable year beginning after the date of the enact-
16 ment of the New Homestead Act of 2005.”.

17 (b) TAX ON EXCESS CONTRIBUTIONS.—

18 (1) TAX IMPOSED.—Subsection (a) of section
19 4973 is amended by striking “or” at the end of
20 paragraph (4), by redesignating paragraph (5) as
21 paragraph (6), and by inserting after paragraph (4)
22 the following new paragraph:

23 “(5) an individual homestead account (within
24 the meaning of section 530A(b)), or”.

1 (2) EXCESS CONTRIBUTIONS.—Section 4973 is
2 amended by adding at the end the following sub-
3 section:

4 “(h) INDIVIDUAL HOMESTEAD ACCOUNTS.—For pur-
5 poses of this section, in the case of individual homestead
6 accounts, the term ‘excess contributions’ means the sum
7 of—

8 “(1) the excess (if any) of—

9 “(A) the amount contributed for the tax-
10 able year to the accounts (other than a quali-
11 fied rollover, as defined in section 530A(f)(7),
12 or a contribution under section 530A(d)), over

13 “(B) the amount allowable under section
14 530A for such contributions, and

15 “(2) the amount determined under this sub-
16 section for the preceding taxable year reduced by the
17 sum of—

18 “(A) the distributions out of the accounts
19 for the taxable year which were included in the
20 gross income of the payee under section
21 530A(e)(1),

22 “(B) the distributions out of the accounts
23 for the taxable year to which rules similar to
24 the rules of section 408(d)(5) apply by reason
25 of section 530A(g)(2), and

1 “(C) the excess (if any) of the maximum
2 amount allowable as a contribution under sec-
3 tion 530A for the taxable year over the amount
4 contributed to the account for the taxable year
5 (other than a contribution under section
6 530A(d)).

7 For purposes of this subsection, any contribution which
8 is distributed from the individual homestead account in
9 a distribution to which rules similar to the rules of section
10 408(d)(4) apply by reason of section 530A(g)(2) shall be
11 treated as an amount not contributed.”.

12 (c) TAX ON PROHIBITED TRANSACTIONS.—Section
13 4975 is amended—

14 (1) by adding at the end of subsection (c) the
15 following paragraph:

16 “(7) SPECIAL RULE FOR INDIVIDUAL HOME-
17 STEAD ACCOUNTS.—An individual for whose benefit
18 an individual homestead account is established and
19 any contributor to such account shall be exempt
20 from the tax imposed by this section with respect to
21 any transaction concerning such account (which
22 would otherwise be taxable under this section) if,
23 with respect to such transaction, the account ceases
24 to be an individual homestead account by reason of

1 the application of section 530A(g)(1) to such ac-
2 count.”, and

3 (2) in subsection (e)(1), by striking “or” at the
4 end of subparagraph (F), by redesignating subpara-
5 graph (G) as subparagraph (H), and by inserting
6 after subparagraph (F) the following new subpara-
7 graph:

8 “(G) an individual homestead account de-
9 scribed in section 530A(b), or”.

10 (d) INFORMATION RELATING TO CERTAIN TRUSTS
11 AND ANNUITY PLANS.—Subsection (c) of section 6047 is
12 amended—

13 (1) by inserting “or section 530A” after “sec-
14 tion 219”, and

15 (2) by inserting “, of any individual homestead
16 account described in section 530A(b),”, after “sec-
17 tion 408(a)”.

18 (e) INSPECTION OF APPLICATIONS FOR TAX EXEMP-
19 TION.—Clause (i) of section 6104(a)(1)(B) is amended by
20 inserting “an individual homestead account described in
21 section 530A(b),” after “section 408(a),”.

22 (f) FAILURE TO PROVIDE REPORTS ON INDIVIDUAL
23 HOMESTEAD ACCOUNTS.—Paragraph (2) of section
24 6693(a) is amended by striking “and” at the end of sub-
25 paragraph (D), by striking the period and inserting “,

1 and” at the end of subparagraph (E), and by inserting
 2 after subparagraph (E) the following new subparagraph:

3 “(F) section 530A(h)(4) (relating to indi-
 4 vidual homestead accounts).”.

5 (g) CLERICAL AMENDMENT.—The table of parts for
 6 subchapter F of chapter 1 is amended by adding at the
 7 end the following new item:

 “PART IX. INDIVIDUAL HOMESTEAD ACCOUNTS.”.

8 **TITLE II—INCENTIVES FOR MAIN**
 9 **STREET BUSINESSES**

10 **SEC. 201. RURAL INVESTMENT TAX CREDIT.**

11 (a) IN GENERAL.—Subpart D of part IV of sub-
 12 chapter A of chapter 1 (relating to business related cred-
 13 its) is amended by adding at the end the following new
 14 section:

15 **“SEC. 42A. RURAL INVESTMENT CREDIT.**

16 “(a) IN GENERAL.—For purposes of section 38, the
 17 amount of the rural investment credit determined under
 18 this section for any taxable year in the credit period shall
 19 be an amount equal to the applicable percentage of the
 20 eligible basis of each qualified rural investment building.

21 “(b) APPLICABLE PERCENTAGE: 70 PERCENT
 22 PRESENT VALUE CREDIT FOR NEW BUILDINGS; 30 PER-
 23 CENT PRESENT VALUE CREDIT FOR EXISTING BUILD-
 24 INGS.—For purposes of this section—

1 “(1) IN GENERAL.—The term ‘applicable per-
2 centage’ means the appropriate percentage pre-
3 scribed by the Secretary for the earlier of—

4 “(A) the first month of the credit period
5 with respect to a rural investment building, or

6 “(B) at the election of the taxpayer, the
7 month in which the taxpayer and the rural in-
8 vestment credit agency enter into an agreement
9 with respect to such building (which is binding
10 on such agency, the taxpayer, and all successors
11 in interest) as to the rural investment credit
12 dollar amount to be allocated to such building.

13 A month may be elected under subparagraph (B)
14 only if the election is made not later than the 5th
15 day after the close of such month. Such an election,
16 once made, shall be irrevocable.

17 “(2) METHOD OF PRESCRIBING PERCENT-
18 AGES.—The percentages prescribed by the Secretary
19 for any month shall be percentages which will yield
20 over a 10-year period amounts of credit under sub-
21 section (a) which have a present value equal to—

22 “(A) 70 percent of the eligible basis of a
23 new building, and

24 “(B) 30 percent of the eligible basis of an
25 existing building.

1 “(3) METHOD OF DISCOUNTING.—The present
2 value under paragraph (2) shall be determined—

3 “(A) as of the last day of the 1st year of
4 the 10-year period referred to in paragraph (2),

5 “(B) by using a discount rate equal to 72
6 percent of the average of the annual Federal
7 mid-term rate and the annual Federal long-
8 term rate applicable under section 1274(d)(1)
9 to the month applicable under subparagraph
10 (A) or (B) of paragraph (1) and compounded
11 annually, and

12 “(C) by assuming that the credit allowable
13 under this section for any year is received on
14 the last day of such year.

15 “(c) ELIGIBLE BASIS; QUALIFIED RURAL INVEST-
16 MENT BUILDING.—For purposes of this section—

17 “(1) ELIGIBLE BASIS.—

18 “(A) IN GENERAL.—The eligible basis of
19 any qualified rural investment building for any
20 taxable year shall be determined under rules
21 similar to the rules under section 42(d), except
22 that—

23 “(i) the determination of the adjusted
24 basis of any building shall be made as of
25 the beginning of the credit period, and

1 “(ii) such basis shall include develop-
2 ment costs properly attributable to such
3 building.

4 “(B) DEVELOPMENT COSTS.—For pur-
5 poses of subparagraph (A)(ii), the term ‘devel-
6 opment costs’ includes—

7 “(i) site preparation costs,

8 “(ii) State and local impact fees,

9 “(iii) reasonable development costs,

10 “(iv) professional fees related to basis
11 items,

12 “(v) construction financing costs re-
13 lated to basis items other than land, and

14 “(vi) on-site and adjacent improve-
15 ments required by State and local govern-
16 ments.

17 “(2) QUALIFIED RURAL INVESTMENT BUILD-
18 ING.—The term ‘qualified rural investment building’
19 means any building which is part of a qualified rural
20 investment project at all times during the period—

21 “(A) beginning on the 1st day in the com-
22 pliance period on which such building is part of
23 such an investment project, and

24 “(B) ending on the last day of the compli-
25 ance period with respect to such building.

1 “(d) REHABILITATION EXPENDITURES TREATED AS
 2 SEPARATE NEW BUILDING.—Rehabilitation expenditures
 3 paid or incurred by the taxpayer with respect to any build-
 4 ing shall be treated for purposes of this section as a sepa-
 5 rate new building under the rules of section 42(e).

6 “(e) DEFINITION AND SPECIAL RULES RELATING TO
 7 CREDIT PERIOD.—

8 “(1) CREDIT PERIOD DEFINED.—For purposes
 9 of this section, the term ‘credit period’ means, with
 10 respect to any building, the period of 10 taxable
 11 years beginning with the taxable year in which the
 12 building is first placed in service.

13 “(2) SPECIAL RULE FOR 1ST YEAR OF CREDIT
 14 PERIOD.—

15 “(A) IN GENERAL.—The credit allowable
 16 under subsection (a) with respect to any build-
 17 ing for the 1st taxable year of the credit period
 18 shall be determined by multiplying such credit
 19 by the fraction—

20 “(i) the numerator of which is the
 21 number of full months of such year during
 22 which such building was in service, and

23 “(ii) the denominator of which is 12.

24 “(B) DISALLOWED 1ST YEAR CREDIT AL-
 25 LOWED IN 11TH YEAR.—Any reduction by rea-

1 son of subparagraph (A) in the credit allowable
 2 (without regard to subparagraph (A)) for the
 3 1st taxable year of the credit period shall be al-
 4 lowable under subsection (a) for the 1st taxable
 5 year following the credit period.

6 “(3) CREDIT PERIOD FOR EXISTING BUILDINGS
 7 NOT TO BEGIN BEFORE REHABILITATION CREDIT
 8 ALLOWED.—The credit period for an existing build-
 9 ing shall not begin before the 1st taxable year of the
 10 credit period for rehabilitation expenditures with re-
 11 spect to the building.

12 “(f) QUALIFIED RURAL INVESTMENT PROJECT;
 13 QUALIFYING COUNTY.—For purposes of this section—

14 “(1) QUALIFIED RURAL INVESTMENT
 15 PROJECT.—The term ‘qualified rural investment
 16 project’ means any investment project of 1 or more
 17 qualified rural investment buildings located in a
 18 qualifying county (and, if necessary to the project,
 19 any contiguous county) and selected by the State ac-
 20 cording to its qualified rural investment plan.

21 “(2) QUALIFYING COUNTY.—The term ‘quali-
 22 fying county’ means any county which—

23 “(A) is outside a metropolitan statistical
 24 area (defined as such by the Office of Manage-
 25 ment and Budget), and

1 “(B) during the 20-year period ending
2 with the calendar year preceding the date of the
3 enactment of this section, has a net out-migra-
4 tion of inhabitants from the county of at least
5 10 percent of the population of the county at
6 the beginning of such period.

7 “(g) LIMITATION ON AGGREGATE CREDIT ALLOW-
8 ABLE WITH RESPECT TO INVESTMENT PROJECTS LO-
9 CATED IN A STATE.—

10 “(1) CREDIT MAY NOT EXCEED CREDIT
11 AMOUNT ALLOCATED TO BUILDING.—The amount of
12 the credit determined under this section for any tax-
13 able year with respect to any building shall not ex-
14 ceed the rural investment credit dollar amount allo-
15 cated to such building under rules similar to the
16 rules of section 42(h)(1).

17 “(2) ALLOCATED CREDIT AMOUNT TO APPLY
18 TO ALL TAXABLE YEARS ENDING DURING OR AFTER
19 CREDIT ALLOCATION YEAR.—Any rural investment
20 credit dollar amount allocated to any building for
21 any calendar year—

22 “(A) shall apply to such building for all
23 taxable years in the credit period ending during
24 or after such calendar year, and

1 “(B) shall reduce the aggregate rural in-
2 vestment credit dollar amount of the allocating
3 agency only for such calendar year.

4 “(3) RURAL INVESTMENT CREDIT DOLLAR
5 AMOUNT FOR AGENCIES.—

6 “(A) IN GENERAL.—The aggregate rural
7 investment credit dollar amount which a rural
8 investment credit agency may allocate for any
9 calendar year is the portion of the State rural
10 investment credit ceiling allocated under this
11 paragraph for such calendar year to such agen-
12 cy.

13 “(B) STATE CEILING INITIALLY ALLO-
14 CATED TO STATE RURAL INVESTMENT CREDIT
15 AGENCIES.—Except as provided in subpara-
16 graphs (D) and (E), the State rural investment
17 credit ceiling for each calendar year shall be al-
18 located to the rural investment credit agency of
19 such State. If there is more than 1 rural invest-
20 ment credit agency of a State, all such agencies
21 shall be treated as a single agency.

22 “(C) STATE RURAL INVESTMENT CREDIT
23 CEILING.—The State rural investment credit
24 ceiling applicable to any State and any calendar
25 year shall be an amount equal to the sum of—

1 “(i) the unused State rural investment
2 credit ceiling (if any) of such State for the
3 preceding calendar year,

4 “(ii) \$1,000,000 for each qualifying
5 county in the State,

6 “(iii) the amount of State rural in-
7 vestment credit ceiling returned in the cal-
8 endar year, plus

9 “(iv) the amount (if any) allocated
10 under subparagraph (D) to such State by
11 the Secretary.

12 For purposes of clause (i), the unused State
13 rural investment credit ceiling for any calendar
14 year is the excess (if any) of the sum of the
15 amounts described in clauses (ii) through (iv)
16 over the aggregate rural investment credit dol-
17 lar amount allocated for such year. For pur-
18 poses of clause (iii), the amount of State rural
19 investment credit ceiling returned in the cal-
20 endar year equals the rural investment credit
21 dollar amount previously allocated within the
22 State to any investment project which fails to
23 meet the 10 percent test under section
24 42(h)(1)(E)(ii) on a date after the close of the
25 calendar year in which the allocation was made

1 or which does not become a qualified rural in-
2 vestment project within the period required by
3 this section or the terms of the allocation or to
4 any investment project with respect to which an
5 allocation is canceled by mutual consent of the
6 rural investment credit agency and the alloca-
7 tion recipient.

8 “(D) UNUSED RURAL INVESTMENT CREDIT
9 CARRYOVERS ALLOCATED AMONG CERTAIN
10 STATES.—

11 “(i) IN GENERAL.—The unused rural
12 investment credit carryover of a State for
13 any calendar year shall be assigned to the
14 Secretary for allocation among qualified
15 States for the succeeding calendar year.

16 “(ii) UNUSED RURAL INVESTMENT
17 CREDIT CARRYOVER.—For purposes of this
18 subparagraph, the unused rural investment
19 credit carryover of a State for any calendar
20 year is the excess (if any) of the unused
21 State rural investment credit ceiling for
22 such year (as defined in subparagraph
23 (C)(i)) over the excess (if any) of—

1 “(I) the unused State rural in-
2 vestment credit ceiling for the year
3 preceding such year, over

4 “(II) the aggregate rural invest-
5 ment credit dollar amount allocated
6 for such year.

7 “(iii) FORMULA FOR ALLOCATION OF
8 UNUSED RURAL INVESTMENT CREDIT
9 CARRYOVERS AMONG QUALIFIED
10 STATES.—The amount allocated under this
11 subparagraph to a qualified State for any
12 calendar year shall be the amount deter-
13 mined by the Secretary to bear the same
14 ratio to the aggregate unused rural invest-
15 ment credit carryovers of all States for the
16 preceding calendar year as such State’s
17 population for the calendar year bears to
18 the population of all qualified States for
19 the calendar year. For purposes of the pre-
20 ceding sentence, population shall be deter-
21 mined in accordance with section 146(j).

22 “(iv) QUALIFIED STATE.—For pur-
23 poses of this subparagraph, the term
24 ‘qualified State’ means, with respect to a
25 calendar year, any State—

1 “(I) which allocated its entire
2 State rural investment credit ceiling
3 for the preceding calendar year, and

4 “(II) for which a request is made
5 (not later than May 1 of the calendar
6 year) to receive an allocation under
7 clause (iii).

8 “(E) STATE MAY PROVIDE FOR DIF-
9 FERENT ALLOCATION.—Rules similar to the
10 rules of section 146(e) (other than paragraph
11 (2)(B) thereof) shall apply for purposes of this
12 paragraph.

13 “(F) POPULATION.—For purposes of this
14 paragraph, population shall be determined in
15 accordance with section 146(j).

16 “(G) COST-OF-LIVING ADJUSTMENT.—

17 “(i) IN GENERAL.—In the case of a
18 calendar year after 2005, the \$1,000,000
19 amount in subparagraph (C) shall be in-
20 creased by an amount equal to—

21 “(I) such dollar amount, multi-
22 plied by

23 “(II) the cost-of-living adjust-
24 ment determined under section 1(f
25)(3) for such calendar year by sub-

1 stituting ‘calendar year 2004’ for ‘cal-
2 endar year 1992’ in subparagraph (B)
3 thereof.

4 “(ii) ROUNDING.—Any increase under
5 clause (i) which is not a multiple of \$5,000
6 shall be rounded to the next lowest mul-
7 tiple of \$5,000.

8 “(4) PORTION OF STATE CEILING SET-ASIDE
9 FOR CERTAIN INVESTMENT PROJECTS INVOLVING
10 QUALIFIED NONPROFIT ORGANIZATIONS.—

11 “(A) IN GENERAL.—At least 10 percent of
12 the State rural investment credit ceiling for any
13 State for any calendar year shall be allocated to
14 qualified rural investment projects described in
15 subparagraph (B).

16 “(B) INVESTMENT PROJECTS INVOLVING
17 QUALIFIED NONPROFIT ORGANIZATIONS.—For
18 purposes of subparagraph (A), a qualified rural
19 investment project is described in this subpara-
20 graph if a qualified nonprofit organization is to
21 materially participate (within the meaning of
22 section 469(h)) in the development and oper-
23 ation of the investment project throughout the
24 compliance period.

1 “(C) QUALIFIED NONPROFIT ORGANIZA-
2 TION.—For purposes of this paragraph, the
3 term ‘qualified nonprofit organization’ means
4 any organization if—

5 “(i) such organization is described in
6 any paragraph of section 501(c) and is ex-
7 empt from tax under section 501(a),

8 “(ii) such organization is determined
9 by the State rural investment credit agency
10 not to be affiliated with or controlled by a
11 for-profit organization, and

12 “(iii) 1 of the exempt purposes of
13 such organization includes the fostering of
14 rural investment.

15 “(D) TREATMENT OF CERTAIN SUBSIDI-
16 ARIES.—

17 “(i) IN GENERAL.—For purposes of
18 this paragraph, a qualified nonprofit orga-
19 nization shall be treated as satisfying the
20 ownership and material participation test
21 of subparagraph (B) if any qualified cor-
22 poration in which such organization holds
23 stock satisfies such test.

24 “(ii) QUALIFIED CORPORATION.—For
25 purposes of clause (i), the term ‘qualified

1 corporation' means any corporation if 100
2 percent of the stock of such corporation is
3 held by 1 or more qualified nonprofit orga-
4 nizations at all times during the period
5 such corporation is in existence.

6 “(E) STATE MAY NOT OVERRIDE SET-
7 ASIDE.—Nothing in subparagraph (F) of para-
8 graph (3) shall be construed to permit a State
9 not to comply with subparagraph (A) of this
10 paragraph.

11 “(F) CREDITS FOR QUALIFIED NONPROFIT
12 ORGANIZATIONS.—

13 “(i) ALLOWANCE OF CREDIT.—Any
14 credit which would be allowable under sub-
15 section (a) with respect to a qualified rural
16 investment building of a qualified nonprofit
17 organization if such organization were not
18 exempt from tax under this chapter shall
19 be treated as a credit allowable under sub-
20 part C to such organization.

21 “(ii) USE OF CREDIT.—A qualified
22 nonprofit organization may assign, trade,
23 sell, or otherwise transfer any credit allow-
24 able to such organization under subpara-
25 graph (A) to any taxpayer.

1 “(iii) CREDIT NOT INCOME.—A trans-
2 fer under subparagraph (B) of any credit
3 allowable under subparagraph (A) shall not
4 result in income for purposes of section
5 511.

6 “(5) SPECIAL RULES.—

7 “(A) BUILDING MUST BE LOCATED WITH-
8 IN JURISDICTION OF CREDIT AGENCY.—A rural
9 investment credit agency may allocate its aggre-
10 gate rural investment credit dollar amount only
11 to buildings located in the jurisdiction of the
12 governmental unit of which such agency is a
13 part.

14 “(B) AGENCY ALLOCATIONS IN EXCESS OF
15 LIMIT.—If the aggregate rural investment cred-
16 it dollar amounts allocated by a rural invest-
17 ment credit agency for any calendar year exceed
18 the portion of the State rural investment credit
19 ceiling allocated to such agency for such cal-
20 endar year, the rural investment credit dollar
21 amounts so allocated shall be reduced (to the
22 extent of such excess) for buildings in the re-
23 verse of the order in which the allocations of
24 such amounts were made.

1 “(C) CREDIT REDUCED IF ALLOCATED
2 CREDIT DOLLAR AMOUNT IS LESS THAN CREDIT
3 WHICH WOULD BE ALLOWABLE WITHOUT RE-
4 GARD TO SALES CONVENTION, ETC.—

5 “(i) IN GENERAL.—The amount of
6 the credit determined under this section
7 with respect to any building shall not ex-
8 ceed the clause (ii) percentage of the
9 amount of the credit which would (but for
10 this subparagraph) be determined under
11 this section with respect to such building.

12 “(ii) DETERMINATION OF PERCENT-
13 AGE.—For purposes of clause (i), the
14 clause (ii) percentage with respect to any
15 building is the percentage which—

16 “(I) the rural investment credit
17 dollar amount allocated to such build-
18 ing bears to

19 “(II) the credit amount deter-
20 mined in accordance with clause (iii).

21 “(iii) DETERMINATION OF CREDIT
22 AMOUNT.—The credit amount determined
23 in accordance with this clause is the
24 amount of the credit which would (but for
25 this subparagraph) be determined under

1 this section with respect to the building if
2 this section were applied without regard to
3 paragraph (2)(A) of subsection (e).

4 “(D) RURAL INVESTMENT CREDIT AGENCY
5 TO SPECIFY APPLICABLE PERCENTAGE AND
6 MAXIMUM ELIGIBLE BASIS.—In allocating a
7 rural investment credit dollar amount to any
8 building, the rural investment credit agency
9 shall specify the applicable percentage and the
10 maximum eligible basis which may be taken
11 into account under this section with respect to
12 such building. The applicable percentage and
13 maximum eligible basis so specified shall not ex-
14 ceed the applicable percentage and eligible basis
15 determined under this section without regard to
16 this subsection.

17 “(6) OTHER DEFINITIONS.—For purposes of
18 this subsection—

19 “(A) RURAL INVESTMENT CREDIT AGEN-
20 CY.—The term ‘rural investment credit agency’
21 means any agency authorized to carry out this
22 subsection.

23 “(B) POSSESSIONS TREATED AS STATES.—
24 The term ‘State’ includes a possession of the
25 United States.

1 “(7) PORTION OF STATE CEILING SET-ASIDE
2 FOR QUALIFIED RURAL SMALL BUSINESS INVEST-
3 MENT CREDITS.—Not more than 20 percent of the
4 State rural investment credit ceiling for any State
5 for any calendar year may be allocated to qualified
6 rural small business investment credits under section
7 42B.

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

10 “(1) COMPLIANCE PERIOD.—The term ‘compli-
11 ance period’ means, with respect to any building, the
12 period of 10 taxable years beginning with the 1st
13 taxable year of the credit period with respect there-
14 to.

15 “(2) NEW BUILDING.—The term ‘new building’
16 means a building the original use of which begins
17 with the taxpayer.

18 “(3) EXISTING BUILDING.—The term ‘existing
19 building’ means any building which is not a new
20 building.

21 “(4) APPLICATION TO ESTATES AND TRUSTS.—
22 In the case of an estate or trust, the amount of the
23 credit determined under subsection (a) and any in-
24 crease in tax under subsection (i) shall be appor-
25 tioned between the estate or trust and the bene-

1 ficiaries on the basis of the income of the estate or
2 trust allocable to each.

3 “(i) RECAPTURE OF CREDIT.—If—

4 “(1) as of the close of any taxable year in the
5 compliance period, the amount of the eligible basis
6 of any building with respect to the taxpayer is less
7 than

8 “(2) the amount of such basis as of the close
9 of the preceding taxable year, then the taxpayer’s
10 tax under this chapter for the taxable year shall be
11 increased by the credit recapture amount determined
12 under rules similar to the rules of section 42(j).

13 “(j) CERTIFICATIONS AND OTHER REPORTS TO SEC-
14 RETARY.—

15 “(1) CERTIFICATION WITH RESPECT TO 1ST
16 YEAR OF CREDIT PERIOD.—Following the close of
17 the 1st taxable year in the credit period with respect
18 to any qualified rural investment building, the tax-
19 payer shall certify to the Secretary (at such time
20 and in such form and in such manner as the Sec-
21 retary prescribes)—

22 “(A) the taxable year, and calendar year,
23 in which such building was first placed in serv-
24 ice,

1 “(B) the eligible basis of such building as
2 of the beginning of the credit period,

3 “(C) the maximum applicable percentage
4 and eligible basis permitted to be taken into ac-
5 count by the appropriate rural investment cred-
6 it agency under subsection (g),

7 “(D) the election made under subsection
8 (f) with respect to the qualified rural invest-
9 ment project of which such building is a part,
10 and

11 “(E) such other information as the Sec-
12 retary may require.

13 In the case of a failure to make the certification re-
14 quired by the preceding sentence on the date pre-
15 scribed therefor, unless it is shown that such failure
16 is due to reasonable cause and not to willful neglect,
17 no credit shall be allowable by reason of subsection
18 (a) with respect to such building for any taxable
19 year ending before such certification is made.

20 “(2) ANNUAL REPORTS TO THE SECRETARY.—

21 The Secretary may require taxpayers to submit an
22 information return (at such time and in such form
23 and manner as the Secretary prescribes) for each
24 taxable year setting forth—

1 “(A) the eligible basis for the taxable year
2 of each qualified rural investment building of
3 the taxpayer,

4 “(B) the information described in para-
5 graph (1)(C) for the taxable year, and

6 “(C) such other information as the Sec-
7 retary may require.

8 The penalty under section 6652(j) shall apply to any
9 failure to submit the return required by the Sec-
10 retary under the preceding sentence on the date pre-
11 scribed therefor.

12 “(3) ANNUAL REPORTS FROM RURAL INVEST-
13 MENT CREDIT AGENCIES.—Each agency which allo-
14 cates any rural investment credit amount to any
15 building for any calendar year shall submit to the
16 Secretary (at such time and in such manner as the
17 Secretary shall prescribe) an annual report speci-
18 fying—

19 “(A) the amount of rural investment credit
20 amount allocated to each building for such year,

21 “(B) sufficient information to identify each
22 such building and the taxpayer with respect
23 thereto, and

24 “(C) such other information as the Sec-
25 retary may require.

1 The penalty under section 6652(j) shall apply to any
2 failure to submit the report required by the pre-
3 ceding sentence on the date prescribed therefor.

4 “(k) RESPONSIBILITIES OF RURAL INVESTMENT
5 CREDIT AGENCIES.—

6 “(1) PLANS FOR ALLOCATION OF CREDIT
7 AMONG INVESTMENT PROJECTS.—

8 “(A) IN GENERAL.—Notwithstanding any
9 other provision of this section, the rural invest-
10 ment credit dollar amount with respect to any
11 building shall be zero unless—

12 “(i) such amount was allocated pursu-
13 ant to a qualified rural investment plan of
14 the agency which is approved by the gov-
15 ernmental unit (in accordance with rules
16 similar to the rules of section 147(f)(2)
17 (other than subparagraph (B)(ii) thereof))
18 of which such agency is a part,

19 “(ii) such agency notifies the chief ex-
20 ecutive officer (or the equivalent) of the
21 local jurisdiction within which the building
22 is located of such investment project and
23 provides such individual a reasonable op-
24 portunity to comment on the investment
25 project,

1 “(iii) a comprehensive market study
2 of the development needs of individuals in
3 the qualifying county to be served by the
4 investment project is conducted before the
5 credit allocation is made and at the devel-
6 oper’s expense by a disinterested party who
7 is approved by such agency, and

8 “(iv) a written explanation is available
9 to the general public for any allocation of
10 a rural investment credit dollar amount
11 which is not made in accordance with es-
12 tablished priorities and selection criteria of
13 the rural investment credit agency.

14 “(B) QUALIFIED RURAL INVESTMENT
15 PLAN.—For purposes of this section, the term
16 ‘qualified rural investment plan’ means any
17 plan—

18 “(i) which sets forth selection criteria
19 to be used to determine priorities of the
20 rural investment credit agency which are
21 appropriate to qualifying counties,

22 “(ii) which also gives preference in al-
23 locating rural investment credit dollar
24 amounts among selected investment
25 projects to—

1 “(I) investment projects that tar-
2 get those small rural counties with
3 consistently high rates of net out-mi-
4 gration,

5 “(II) investment projects that
6 link the economic development and job
7 creation efforts of 2 or more small
8 rural counties with high rates of net
9 out-migration, and

10 “(III) investment projects that
11 link the economic development and job
12 creation efforts of 1 or more small
13 rural counties in the State with high
14 rates of net out-migration to related
15 efforts in regions of such State experi-
16 encing economic growth, and

17 “(iii) which provides a procedure that
18 the agency (or an agent or other private
19 contractor of such agency) will follow in
20 monitoring for noncompliance with the
21 provisions of this section and in notifying
22 the Internal Revenue Service of such non-
23 compliance which such agency becomes
24 aware of and in monitoring for noncompli-
25 ance through regular site visits.

1 “(C) CERTAIN SELECTION CRITERIA MUST
2 BE USED.—The selection criteria set forth in a
3 qualified rural investment plan must include—

4 “(i) investment project location,

5 “(ii) technology and transportation in-
6 frastructure needs, and

7 “(iii) private development trends.

8 “(2) CREDIT ALLOCATED TO BUILDING NOT TO
9 EXCEED AMOUNT NECESSARY TO ASSURE INVEST-
10 MENT PROJECT FEASIBILITY.—

11 “(A) IN GENERAL.—The rural investment
12 credit dollar amount allocated to an investment
13 project shall not exceed the amount the rural
14 investment credit agency determines is nec-
15 essary for the financial feasibility of the invest-
16 ment project and its viability as a qualified
17 rural investment project throughout the compli-
18 ance period.

19 “(B) AGENCY EVALUATION.—In making
20 the determination under subparagraph (A), the
21 rural investment credit agency shall consider—

22 “(i) the sources and uses of funds and
23 the total financing planned for the invest-
24 ment project,

1 “(ii) any proceeds or receipts expected
2 to be generated by reason of tax benefits,

3 “(iii) the percentage of the rural in-
4 vestment credit dollar amount used for in-
5 vestment project costs other than the cost
6 of intermediaries, and

7 “(iv) the reasonableness of the devel-
8 opmental and operational costs of the in-
9 vestment project.

10 Clause (iii) shall not be applied so as to impede
11 the development of investment projects in hard-
12 to-develop areas.

13 “(C) DETERMINATION MADE WHEN CRED-
14 IT AMOUNT APPLIED FOR AND WHEN BUILDING
15 PLACED IN SERVICE.—

16 “(i) IN GENERAL.—A determination
17 under subparagraph (A) shall be made as
18 of each of the following times:

19 “(I) The application for the rural
20 investment credit dollar amount.

21 “(II) The allocation of the rural
22 investment credit dollar amount.

23 “(III) The date the building is
24 first placed in service.

1 “(ii) CERTIFICATION AS TO AMOUNT
2 OF OTHER SUBSIDIES.—Prior to each de-
3 termination under clause (i), the taxpayer
4 shall certify to the rural investment credit
5 agency the full extent of all Federal, State,
6 and local subsidies which apply (or which
7 the taxpayer expects to apply) with respect
8 to the building.

9 “(l) REGULATIONS.—The Secretary shall prescribe
10 such regulations as may be necessary or appropriate to
11 carry out the purposes of this section, including regula-
12 tions—

13 “(1) dealing with—

14 “(A) investment projects which include
15 more than 1 building or only a portion of a
16 building,

17 “(B) buildings which are sold in portions,

18 “(2) providing for the application of this section
19 to short taxable years,

20 “(3) preventing the avoidance of the rules of
21 this section, and

22 “(4) providing the opportunity for rural invest-
23 ment credit agencies to correct administrative errors
24 and omissions with respect to allocations and record
25 keeping within a reasonable period after their dis-

1 covery, taking into account the availability of regula-
2 tions and other administrative guidance from the
3 Secretary.”.

4 (b) CURRENT YEAR BUSINESS CREDIT CALCULA-
5 TION.—Section 38(b) (relating to current year business
6 credit) is amended by striking “plus” at the end of para-
7 graph (18), by striking the period at the end of paragraph
8 (19) and inserting “, plus”, and by adding at the end the
9 following new paragraph:

10 “(20) the rural investment credit determined
11 under section 42A(a).”.

12 (c) CONFORMING AMENDMENTS.—

13 (1) Section 55(c)(1) is amended by inserting
14 “or subsection (i) or (j) of section 42A” after “sec-
15 tion 42”.

16 (2) Subsections (i)(c)(3), (i)(c)(6)(B)(i), and
17 (k)(1) of section 469 are each amended by inserting
18 “or 42A” after “section 42”.

19 (3) Section 772(a) is amended by striking
20 “and” at the end of paragraph (10), by redesignig-
21 nating paragraph (11) as paragraph (12), and by in-
22 serting after paragraph (10) the following new para-
23 graph:

24 “(11) the rural investment credit determined
25 under section 42A, and”.

1 (4) Section 774(b)(4) is amended by inserting
2 “, 42A(i),” after “section 42(j)”.

3 (d) CLERICAL AMENDMENT.—The table of sections
4 for subpart D of part IV of subchapter A of chapter 1
5 is amended by inserting after the item relating to section
6 42 the following new item:

“Sec. 42A. Rural investment credit.”.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to expenditures made in taxable
9 years beginning after the date of the enactment of this
10 Act.

11 **SEC. 202. QUALIFIED RURAL SMALL BUSINESS INVEST-**
12 **MENT CREDIT.**

13 (a) IN GENERAL.—Subpart D of part IV of sub-
14 chapter A of chapter 1 (relating to business related cred-
15 its), as amended by this Act, is amended by adding at
16 the end the following new section:

17 **“SEC. 42B. QUALIFIED RURAL SMALL BUSINESS INVEST-**
18 **MENT CREDIT.**

19 “(a) IN GENERAL.—For purposes of section 38, in
20 the case of a qualified rural small business, the amount
21 of the qualified rural small business investment credit de-
22 termined under this section for any taxable year is equal
23 to 30 percent of the qualified expenditures for the taxable
24 year of such business.

25 “(b) DOLLAR LIMITATION.—

1 “(1) IN GENERAL.—The credit allowable under
2 subsection (a) for any taxable year shall not exceed
3 the lesser of—

4 “(A) \$5,000, or

5 “(B) the amount when added to the aggre-
6 gate credits allowable to the taxpayer under
7 subsection (a) for all preceding taxable years
8 does not exceed \$25,000.

9 “(2) NO DOUBLE CREDIT ALLOWED.—In the
10 case of any qualified rural small business which
11 places in service a qualified rural investment build-
12 ing with respect to which a rural investment credit
13 is allowed under section 42A for any taxable year,
14 paragraph (1)(A) shall be applied with respect to
15 such taxable year by substituting ‘zero’ for ‘\$5,000’.

16 “(c) QUALIFIED RURAL SMALL BUSINESS.—For
17 purposes of this section, the term ‘qualified rural small
18 business’ means any person if such person—

19 “(1) employed not more than 5 full-time em-
20 ployees during the taxable year,

21 “(2) materially and substantially participates in
22 management,

23 “(3) is located in a qualifying county, and

24 “(4) submitted a qualified business plan with
25 respect to which the rural investment credit agency

1 with jurisdiction over such qualifying county has al-
2 located a portion of the State rural investment ceil-
3 ing for such taxable year under section 42A(g)(7).

4 For purposes of paragraph (1), an employee shall be con-
5 sidered full-time if such employee is employed at least 30
6 hours per week for 20 or more calendar weeks in the tax-
7 able year.

8 “(d) QUALIFIED EXPENDITURES.—For purposes of
9 this section—

10 “(1) IN GENERAL.—The term ‘qualified expend-
11 itures’ means expenditures normally associated with
12 starting or expanding a business and included in a
13 qualified business plan, including costs for capital,
14 plant and equipment, inventory expenses, and wages,
15 but not including interest costs.

16 “(2) ONLY CERTAIN EXPENDITURES INCLUDED
17 FOR EXISTING BUSINESSES.—In the case of a quali-
18 fied rural small business with respect to which a
19 credit under subsection (a) was allowed for a pre-
20 ceding taxable year, such term shall include only so
21 much of the expenditures described in paragraph (1)
22 for the taxable year as exceed the aggregate of such
23 expenditures for the preceding taxable year.

1 “(e) QUALIFIED BUSINESS PLAN.—For purposes of
2 this section, the term ‘qualified business plan’ means a
3 business plan which—

4 “(1) has been approved by the rural investment
5 credit agency with jurisdiction over the qualifying
6 county in which the qualified rural small business is
7 located pursuant to such agency’s rural investment
8 plan, and

9 “(2) meets such requirements as the agency
10 may specify.

11 “(f) DENIAL OF DOUBLE BENEFIT.—In the case of
12 the amount of the credit determined under this section—

13 “(1) no deduction or credit shall be allowed for
14 such amount under any other provision of this chap-
15 ter, and

16 “(2) no increase in the adjusted basis of any
17 property shall result from such amount.

18 “(g) DEFINITIONS AND SPECIAL RULES.—For pur-
19 poses of this section—

20 “(1) any term which is used in this section
21 which is used in section 42A shall have the meaning
22 given such term by section 42A, and

23 “(2) rules similar to the rules under subsections
24 (j)(2), (j)(3), and (k) of section 42A shall apply.”.

1 (b) CURRENT YEAR BUSINESS CREDIT CALCULA-
 2 TION.—Section 38(b) (relating to current year business
 3 credit), as amended by this Act, is amended by striking
 4 “plus” at the end of paragraph (19), by striking the period
 5 at the end of paragraph (20) and inserting “, plus”, and
 6 by adding at the end the following new paragraph:

7 “(21) the qualified rural small business invest-
 8 ment credit determined under section 42B(a).”.

9 (c) CLERICAL AMENDMENT.—The table of sections
 10 for subpart D of part IV of subchapter A of chapter 1,
 11 as amended by this Act, is amended by inserting after the
 12 item relating to section 42A the following new item:

“Sec. 42B. Qualified rural small business investment credit.”.

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

17 **SEC. 203. ACCELERATED DEPRECIATION FOR RURAL IN-**
 18 **VESTMENT PROPERTY.**

19 (a) IN GENERAL.—Section 168 is amended by adding
 20 at the end the following new subsection:

21 “(1) PROPERTY IN RURAL INVESTMENT PROJECTS.—

22 “(1) IN GENERAL.—For purposes of subsection
 23 (a), the applicable recovery period for qualified rural
 24 investment property shall be determined in accord-

1 ance with the table contained in paragraph (2) in
 2 lieu of the table contained in subsection (c).

3 “(2) APPLICABLE RECOVERY PERIOD FOR
 4 RURAL INVESTMENT PROPERTY.—For purposes of
 5 paragraph (1)—

“In the case of:	The applicable recovery period is:
3-year property	2 years
5-year property	3 years
7-year property	4 years
10-year property	6 years
15-year property	9 years
20-year property	12 years
Nonresidential real property	22 years.

6 “(3) DEDUCTION ALLOWED IN COMPUTING
 7 MINIMUM TAX.—For purposes of determining alter-
 8 native minimum taxable income under section 55,
 9 the deduction under subsection (a) for property to
 10 which paragraph (1) applies shall be determined
 11 under this section without regard to any adjustment
 12 under section 56.

13 “(4) QUALIFIED RURAL INVESTMENT PROP-
 14 ERTY DEFINED.—For purposes of this subsection—

15 “(A) IN GENERAL.—The term ‘qualified
 16 rural investment property’ means property
 17 which is property described in the table in para-
 18 graph (2) and which is—

19 “(i) used by the taxpayer predomi-
 20 nantly in the active conduct of a trade or

1 business within a qualified rural invest-
2 ment project,

3 “(ii) not used or located outside the
4 qualified rural investment project on a reg-
5 ular basis,

6 “(iii) not acquired (directly or indi-
7 rectly) by the taxpayer from a person who
8 is related to the taxpayer (within the
9 meaning of section 465(b)(3)(C)), and

10 “(iv) not property (or any portion
11 thereof) placed in service for purposes of
12 operating any facility described in section
13 144(c)(6)(B).

14 “(B) EXCEPTION FOR ALTERNATIVE DE-
15 PRECIATION PROPERTY.—The term ‘qualified
16 rural investment property’ does not include any
17 property to which the alternative depreciation
18 system under subsection (g) applies, deter-
19 mined—

20 “(i) without regard to subsection
21 (g)(7) (relating to election to use alter-
22 native depreciation system), and

23 “(ii) after the application of section
24 280F(b) (relating to listed property with
25 limited business use).

1 “(C) SPECIAL RULE FOR INFRASTRUCTURE
2 INVESTMENT.—

3 “(i) IN GENERAL.—Subparagraph
4 (A)(ii) shall not apply to qualified infra-
5 structure property located outside of the
6 qualified rural investment project if the
7 purpose of such property is to connect with
8 qualified infrastructure property located
9 within such project.

10 “(ii) QUALIFIED INFRASTRUCTURE
11 PROPERTY.—For purposes of this subpara-
12 graph, the term ‘qualified infrastructure
13 property’ means qualified rural investment
14 property (determined without regard to
15 subparagraph (A)(ii)) which—

16 “(I) benefits the qualifying coun-
17 ty infrastructure,

18 “(II) is available to the general
19 public, and

20 “(III) is placed in service in con-
21 nection with the taxpayer’s active con-
22 duct of a trade or business within a
23 qualified rural investment project.

1 Such term includes, but is not limited to,
 2 roads, power lines, water systems, railroad
 3 spurs, and communications facilities.

4 “(5) DEFINITIONS.—For purposes of this sub-
 5 section, any term used in this section which is used
 6 in section 42A shall have the meaning given such
 7 term by section 42A.”.

8 (b) EFFECTIVE DATE.—The amendment made by
 9 this section shall apply to property placed in service after
 10 the date of the enactment of this Act, in taxable years
 11 ending after such date.

12 **TITLE III—NEW HOMESTEAD**
 13 **VENTURE CAPITAL FUND**

14 **SEC. 301. NEW HOMESTEAD VENTURE CAPITAL FUND.**

15 The Consolidated Farm and Rural Development Act
 16 (7 U.S.C. 1921 et seq.) is amended by adding at the end
 17 the following new subtitle:

18 **“Subtitle G—New Homestead**
 19 **Venture Capital Fund**

20 **“SEC. 383A. SHORT TITLE.**

21 “‘This subtitle may be cited as the ‘New Homestead
 22 Venture Capital Fund Act’.

23 **“SEC. 383B. DEFINITIONS.**

24 “‘In this subtitle:

1 “(1) AUTHORIZED PRIVATE INVESTOR.—The
2 term ‘authorized private investor’ means an indi-
3 vidual, legal entity, or affiliate or subsidiary of an
4 individual or legal entity that—

5 “(A) is eligible to receive a loan guarantee
6 under this title;

7 “(B) is eligible to receive a loan guarantee
8 under the Rural Electrification Act of 1936 (7
9 U.S.C. 901 et seq.);

10 “(C) is created under the National Con-
11 sumer Cooperative Bank Act (12 U.S.C. 3011
12 et seq.);

13 “(D) is an insured depository institution
14 subject to section 383D(b)(2);

15 “(E) is a Farm Credit System institution
16 described in section 1.2(a) of the Farm Credit
17 Act of 1971 (12 U.S.C. 2002(a)); or

18 “(F) is determined by the Board to be an
19 appropriate investor in the Fund.

20 “(2) BOARD.—The term ‘Board’ means the
21 board of directors of the Fund established under
22 section 383F.

23 “(3) FUND.—The term ‘Fund’ means the New
24 Homestead Venture Capital Fund established under
25 section 383C.

1 “(4) GROUP OF SIMILAR AUTHORIZED PRIVATE
2 INVESTORS.—The term ‘group of similar authorized
3 private investors’ means any 1 of the following:

4 “(A) Insured depository institutions with
5 total assets of more than \$250,000,000.

6 “(B) Insured depository institutions with
7 total assets equal to or less than \$250,000,000.

8 “(C) Farm Credit System institutions de-
9 scribed in section 1.2(a) of the Farm Credit Act
10 of 1971 (12 U.S.C. 2002(a)).

11 “(D) Cooperative financial institutions
12 (other than Farm Credit System institutions).

13 “(E) Authorized private investors, other
14 than those described in subparagraphs (A)
15 through (D).

16 “(F) Other nonprofit organizations, includ-
17 ing credit unions.

18 “(5) INSURED DEPOSITORY INSTITUTION.—The
19 term ‘insured depository institution’ means any bank
20 or savings association the deposits of which are in-
21 sured under the Federal Deposit Insurance Act (12
22 U.S.C. 1811 et seq.).

23 “(6) QUALIFYING COUNTY.—The term ‘quali-
24 fying county’ means any county that—

1 “(A) is located outside a metropolitan sta-
2 tistical area (as defined by the Office of Man-
3 agement and Budget); and

4 “(B) during the 20-year period ending
5 with the fiscal year preceding the applicable fis-
6 cal year for which assistance is made available
7 under section 383E, has a net outmigration of
8 inhabitants from the county of at least 10 per-
9 cent of the population of the county at the be-
10 ginning of the period.

11 “(7) RURAL BUSINESS.—The term ‘rural busi-
12 ness’ means a rural cooperative, a value-added agri-
13 cultural enterprise, or any other enterprise that is or
14 will be located in a qualifying county.

15 **“SEC. 383C. ESTABLISHMENT OF THE FUND.**

16 “(a) IN GENERAL.—

17 “(1) AUTHORITY TO ESTABLISH.—Upon certifi-
18 cation by the Secretary that, to the maximum extent
19 practicable, the parties proposing to establish a fund
20 provide a broad representation of all of the groups
21 of similar authorized private investors described in
22 subparagraphs (A) through (F) of section 383B(4),
23 the parties so certified may establish, a non-Federal
24 entity under State law, to purchase shares of, and
25 manage a fund to be known as the ‘New Homestead

1 Venture Capital Fund’, to generate and provide eq-
2 uity capital to rural businesses.

3 “(2) OWNERSHIP.—

4 “(A) IN GENERAL.—To the maximum ex-
5 tent practicable, equity ownership of the Fund
6 shall be distributed among authorized private
7 investors representing all of the groups of simi-
8 lar authorized private investors described in
9 subparagraphs (A) through (F) of section
10 383B(4).

11 “(B) EXCLUSION OF GROUPS.—No group
12 of similar authorized private investors shall be
13 excluded from equity ownership of the Fund
14 during any period during which the Fund is in
15 existence if an authorized private investor rep-
16 resentative of the group is able and willing to
17 invest in the Fund.

18 “(b) PURPOSE.—The purpose of the Fund is to
19 strengthen the economies of qualifying counties by—

20 “(1) making needed investments in qualifying
21 counties to reverse the devastating impact of chronic
22 outmigration and to help the qualifying counties re-
23 build and grow;

24 “(2) providing equity funding for existing and
25 startup rural businesses with high potential for job

1 creation that are or will be located in qualifying
2 counties;

3 “(3) offering the funding described in para-
4 graph (2) to rural businesses, many of which have
5 difficulty obtaining equity capital;

6 “(4) authorizing use of the funding described in
7 paragraph (2) only after State and local govern-
8 ments match a significant portion of the funding;

9 “(5) requiring a portion of the funding de-
10 scribed in paragraph (2) to be used for technical and
11 other similar assistance to rural businesses; and

12 “(6) providing incentives to greater participa-
13 tion by authorized private investors through provi-
14 sion of guarantees of up to 60 percent of the invest-
15 ments of the authorized private investors in quali-
16 fying counties.

17 “(c) ARTICLES OF INCORPORATION AND BY-LAWS.—
18 The articles of incorporation and by-laws of the Fund shall
19 set forth purposes of the Fund that are consistent with
20 the purposes described in subsection (b).

21 **“SEC. 383D. INVESTMENT IN THE FUND.**

22 “(a) IN GENERAL.—The Secretary shall—

23 “(1) subject to subsection (b)(1), make avail-
24 able to the Fund \$200,000,000 for each of fiscal
25 years 2006 through 2015;

1 “(2) subject to subsection (c), guarantee a por-
2 tion of each investment made by an authorized pri-
3 vate investor in the Fund; and

4 “(3) subject to subsection (d), guarantee the re-
5 payment of principal of, and accrued interest on, de-
6 bentures issued by the Fund to authorized private
7 investors.

8 “(b) NON-FEDERAL FUNDS.—

9 “(1) IN GENERAL.—Under subsection (a)(1),
10 the Secretary shall make an amount available to the
11 Fund for a fiscal year only after—

12 “(A) at least \$50,000,000 has been in-
13 vested in the Fund for the fiscal year by au-
14 thorized private investors in accordance with
15 this subtitle and the terms and conditions set
16 forth in the by-laws of the Fund; and

17 “(B) at least \$50,000,000 has been in-
18 vested in the Fund for the fiscal year by State
19 and local governments.

20 “(2) INSURED DEPOSITORY INSTITUTIONS.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graphs (B) and (C)—

23 “(i) an insured depository institution
24 may be an authorized private investor in
25 the Fund; and

1 “(ii) an investment in the Fund may
2 be considered to be part of the record of
3 an institution in meeting the credit needs
4 of the community in which the institution
5 is located under any applicable Federal
6 law.

7 “(B) INVESTMENT LIMIT.—The total in-
8 vestment in the Fund of an insured depository
9 institution shall not exceed 5 percent of the in-
10 stitution’s capital and surplus.

11 “(C) REGULATORY AUTHORITY.—An ap-
12 propriate Federal banking agency may, by regu-
13 lation or order, impose on any insured deposit-
14 ory institution investing in the Fund, any safe-
15 guard, limitation, or condition (including an in-
16 vestment limit that is lower than the investment
17 limit under subparagraph (B)) that the Federal
18 banking agency considers to be appropriate to
19 ensure that the institution operates—

20 “(i) in a financially sound manner;

21 and

22 “(ii) in compliance with all applicable
23 law.

24 “(c) GUARANTEE OF PRIVATE INVESTMENTS.—

1 “(1) IN GENERAL.—The Secretary shall guar-
2 antee, under terms and conditions determined by the
3 Secretary—

4 “(A) except as provided in subparagraph
5 (B), 40 percent of any loss of the principal of
6 each investment made by an authorized private
7 investor in the Fund; and

8 “(B) 60 percent of any loss of the prin-
9 cipal of each investment made by an authorized
10 private investor in the Fund if the investment
11 is used for a manufacturing or high-technology
12 business.

13 “(2) MAXIMUM TOTAL GUARANTEE.—The ag-
14 gregate potential liability of the Secretary with re-
15 spect to all guarantees under paragraph (1) shall
16 not apply to more than \$500,000,000 in private in-
17 vestments in the Fund.

18 “(3) REDEMPTION OF GUARANTEE.—

19 “(A) DATE.—An authorized private inves-
20 tor in the Fund may redeem a guarantee under
21 paragraph (1), with respect to the total invest-
22 ments in the Fund and the total losses of the
23 authorized private investor as of the date of re-
24 demption—

1 “(i) on the date that is 5 years after
2 the date of the initial investment of the au-
3 thorized private investor; or

4 “(ii) annually thereafter.

5 “(B) EFFECT OF REDEMPTION.—On re-
6 demption of a guarantee under subparagraph
7 (A)—

8 “(i) the shares in the Fund of the au-
9 thorized private investor shall be redeemed;
10 and

11 “(ii) the authorized private investor
12 shall be prohibited from making any future
13 investment in the Fund.

14 “(d) DEBENTURES.—

15 “(1) IN GENERAL.—The Fund may, at the dis-
16 cretion of the Board, raise additional capital through
17 the issuance of debentures and through other means
18 determined to be appropriate by the Board.

19 “(2) GUARANTEE OF DEBT BY SECRETARY.—

20 “(A) IN GENERAL.—The Secretary shall
21 guarantee 100 percent of the principal of, and
22 accrued interest on, debentures issued by the
23 Fund that are approved by the Secretary.

24 “(B) MAXIMUM DEBT GUARANTEED BY
25 SECRETARY.—The outstanding value of debentures

1 tures issued by the Fund and guaranteed by
2 the Secretary shall not exceed the lesser of—

3 “(i) the amount equal to twice the
4 value of the assets held by the Fund; or

5 “(ii) \$500,000,000.

6 “(C) RECAPTURE OF GUARANTEE PAY-
7 MENTS.—If the Secretary makes a payment on
8 a debenture issued by the Fund as a result of
9 a guarantee of the Secretary under this para-
10 graph, the Secretary shall have priority over
11 other creditors for repayment of the debenture.

12 “(3) AUTHORIZED PRIVATE INVESTORS.—An
13 authorized private investor may purchase debentures
14 issued by the Fund.

15 **“SEC. 383E. INVESTMENTS AND OTHER ACTIVITIES OF THE**
16 **FUND.**

17 “(a) INVESTMENTS.—

18 “(1) IN GENERAL.—

19 “(A) TYPES.—Subject to subparagraphs
20 (B) and (C), the Fund may—

21 “(i) make equity investments in a
22 rural business that meets the requirements
23 of paragraph (6) and such other require-
24 ments as the Board may establish; and

1 “(ii) extend credit to such rural busi-
2 ness in—

3 “(I) the form of mezzanine debt,
4 convertible debt, or subordinated debt;
5 or

6 “(II) any other form of near-eq-
7 uity debt.

8 “(B) LIMITATIONS ON EQUITY INVEST-
9 MENTS.—After the initial equity investment in
10 a rural business described in subparagraph
11 (A)(i), the Fund may not make additional eq-
12 uity investments in such rural business if the
13 additional equity investments would result in
14 the Fund owning more than 30 percent of the
15 equity of such rural business.

16 “(C) LIMITATION ON NONEQUITY INVEST-
17 MENTS.—Except in the case of a project to as-
18 sist a rural cooperative, the total amount of
19 nonequity investments described in subpara-
20 graph (A)(ii) that may be provided by the Fund
21 shall not exceed 20 percent of the total invest-
22 ments of the Fund in the project.

23 “(2) PROCEDURES.—The Fund shall implement
24 procedures to ensure that—

1 “(A) the financing arrangements of the
2 Fund meet the Fund’s primary focus of pro-
3 viding equity capital; and

4 “(B) the Fund does not compete with con-
5 ventional sources of credit.

6 “(3) DIVERSITY OF PROJECTS.—The Fund—

7 “(A) shall seek to make equity investments
8 in a variety of viable projects for rural busi-
9 nesses, with a significant share of invest-
10 ments—

11 “(i) in manufacturing or high-tech-
12 nology businesses of diverse sizes;

13 “(ii) in smaller projects in rural com-
14 munities of diverse sizes; and

15 “(iii) in cooperative and noncoopera-
16 tive businesses; and

17 “(B) shall be managed in a manner that
18 diversifies the risks to the Fund among a vari-
19 ety of projects.

20 “(4) LIMITATION ON RURAL BUSINESSES AS-
21 SISTED.—The Fund shall not invest in any rural
22 business that—

23 “(A) is primarily retail in nature (as deter-
24 mined by the Board), other than a purchasing
25 cooperative, or

1 “(B) consists of the operation of any facil-
2 ity described in section 144(c)(6)(B).

3 “(5) INTEREST RATE LIMITATIONS.—Returns
4 on investments in and by the Fund, and returns on
5 the extension of credit by participants in projects as-
6 sisted by the Fund, shall not be subject to any State
7 or Federal law establishing a maximum allowable in-
8 terest rate.

9 “(6) REQUIREMENTS FOR RECIPIENTS.—

10 “(A) OTHER INVESTMENTS.—Any recipi-
11 ent of amounts from the Fund shall make or
12 obtain a significant investment from a source of
13 capital other than the Fund.

14 “(B) SPONSORSHIP.—To be considered for
15 an equity investment from the Fund, a rural
16 business investment project shall be sponsored
17 by a regional, State, or local sponsoring or en-
18 dorsing organization such as—

19 “(i) a financial institution;

20 “(ii) a development organization; or

21 “(iii) any other established entity en-
22 gaging or assisting in rural business devel-
23 opment, including a rural cooperative.

24 “(b) TECHNICAL ASSISTANCE.—The Board shall use
25 not less than 2 percent of capital provided by the Federal

1 Government to provide technical assistance to rural busi-
2 nesses seeking an equity investment from the Fund.

3 “(c) ANNUAL AUDIT.—

4 “(1) IN GENERAL.—The Board shall authorize
5 an annual audit of the financial statements of the
6 Fund by a nationally recognized auditing firm using
7 generally accepted accounting procedures.

8 “(2) AVAILABILITY OF AUDIT RESULTS.—The
9 results of the audit required by paragraph (1) shall
10 be made available to investors in the Fund.

11 “(d) ANNUAL REPORT.—The Board shall prepare
12 and make available to the public an annual report that—

13 “(1) describes the projects funded with amounts
14 from the Fund;

15 “(2) specifies the recipients of amounts from
16 the Fund;

17 “(3) specifies the co-investors in all projects
18 that receive amounts from the Fund; and

19 “(4) meets the reporting requirements, if any,
20 of the State under the law of which the Fund is es-
21 tablished.

22 “(e) OTHER AUTHORITIES.—

23 “(1) IN GENERAL.—The Board may exercise
24 such other authorities as are necessary to carry out
25 this subtitle.

1 “(2) OVERSIGHT.—The Secretary shall enter
2 into a contract with the Administrator of the Small
3 Business Administration under which the Adminis-
4 trator of the Small Business Administration shall be
5 responsible for the routine duties of the Secretary in
6 regard to the Fund.

7 **“SEC. 383F. GOVERNANCE OF THE FUND.**

8 “(a) IN GENERAL.—The Fund shall be governed by
9 a board of directors that represents all of the authorized
10 private investors in the Fund and the Federal Government
11 and that consists of—

12 “(1) a designee of the Secretary;

13 “(2) 2 members who are appointed by the Sec-
14 retary and are not Federal employees, including—

15 “(A) 1 member with expertise in venture
16 capital investment; and

17 “(B) 1 member with expertise in coopera-
18 tive development;

19 “(3) 1 member who is appointed by the Sec-
20 retary and is a State government representative
21 from among States with the highest rates of out-
22 migration from qualifying counties; and

23 “(4) 7 members who are elected by the author-
24 ized private investors with investments in the Fund,
25 of whom not less than 1 member shall be a rural

1 community banker from an insured depository insti-
2 tution with total assets equal to or less than
3 \$250,000,000 with an investment in the Fund.

4 “(b) LIMITATION ON VOTING CONTROL.—No indi-
5 vidual investor or group of similar authorized private in-
6 vestors may control more than 25 percent of the votes on
7 the Board.

8 **“SEC. 383G. AUTHORIZATION OF APPROPRIATIONS.**

9 “There are authorized to be appropriated such sums
10 as are necessary to carry out this subtitle.”.

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