

110TH CONGRESS
1ST SESSION

S. 1423

To extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or public assistance from the Federal Government under such Act.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2007

Mr. ROBERTS (for himself and Mr. BROWNBACK) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or public assistance from the Federal Government under such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; ETC.**

2 (a) **SHORT TITLE.**—This Act may be cited as “Kan-
3 sas Disaster Tax Relief Assistance Act”.

4 (b) **AMENDMENT OF 1986 CODE.**—Except as other-
5 wise expressly provided, whenever in this Act an amend-
6 ment or repeal is expressed in terms of an amendment
7 to, or repeal of, a section or other provision, the reference
8 shall be considered to be made to a section or other provi-
9 sion of the Internal Revenue Code of 1986.

10 (c) **TABLE OF CONTENTS.**—The table of contents for
11 this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TEMPORARY TAX RELIEF

Sec. 101. Temporary tax relief.

TITLE II—NEW HOMESTEAD OPPORTUNITIES PILOT PROJECT

Sec. 201. Loans for leadership initiative.

Sec. 202. Credit for certain rural homebuyers.

Sec. 203. Capital loss deduction allowed with respect to sale or exchange of
principal residence in certain rural areas.

Sec. 204. Individual Homestead accounts.

TITLE III—INCENTIVES FOR MAIN STREET BUSINESSES

Sec. 301. Rural investment tax credit.

Sec. 302. Qualified rural small business investment credit.

Sec. 303. Accelerated depreciation for rural investment property.

12 **TITLE I—TEMPORARY TAX**
13 **RELIEF**

14 **SEC. 101. TEMPORARY TAX RELIEF.**

15 (a) **IN GENERAL.**—Subchapter Y (relating to short-
16 term regional benefits) is amended by adding at the end
17 the following new part:

1 **“PART III—TAX BENEFITS FOR OTHER DISASTER**
 2 **AREAS**

“Sec. 1400U. Tax benefits for Kiowa County, Kansas and surrounding area.

3 **“SEC. 1400U. TAX BENEFITS FOR KIOWA COUNTY, KANSAS**
 4 **AND SURROUNDING AREA.**

5 “The following provisions of this subchapter shall
 6 apply, in addition to the areas described in such provi-
 7 sions, to an area with respect to which a major disaster
 8 has been declared by the President under section 401 of
 9 the Robert T. Stafford Disaster Relief and Emergency As-
 10 sistance Act (FEMA–1699–DR) by reason of severe
 11 storms and tornados beginning on May 4, 2007, and de-
 12 termined by the President to warrant individual or public
 13 assistance from the Federal Government under such Act:

14 “(1) SUSPENSION OF CERTAIN LIMITATIONS ON
 15 PERSONAL CASUALTY LOSSES.—Section
 16 1400S(b)(1), by substituting ‘May 4, 2007’ for ‘Au-
 17 gust 25, 2005’.

18 “(2) EXTENSION OF REPLACEMENT PERIOD
 19 FOR NONRECOGNITION OF GAIN.—Section 1400L(g),
 20 by substituting ‘storms on May 4, 2007’ for ‘ter-
 21 rorist attacks on September 11, 2001’.

22 “(3) EMPLOYEE RETENTION CREDIT FOR EM-
 23 PLOYERS AFFECTED BY MAY 4 STORMS.—Section
 24 1400R(a)—

1 “(A) by substituting ‘May 4, 2007’ for
2 ‘August 28, 2005’ each place it appears,

3 “(B) by substituting ‘January 1, 2008’ for
4 ‘January 1, 2006’ both places it appears, and

5 “(C) only with respect to eligible employers
6 who employed an average of not more than 200
7 employees on business days during the taxable
8 year before May 4, 2007.

9 “(4) SPECIAL ALLOWANCE FOR CERTAIN PROP-
10 PERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section
11 1400N(d)—

12 “(A) by substituting ‘qualified Recovery
13 Assistance property’ for ‘qualified Gulf Oppor-
14 tunity Zone property’ each place it appears,

15 “(B) by substituting ‘May 5, 2007’ for
16 ‘August 28, 2005’ each place it appears,

17 “(C) by substituting ‘December 31, 2008’
18 for ‘December 31, 2007’ in paragraph
19 (2)(A)(v),

20 “(D) by substituting ‘December 31, 2009’
21 for ‘December 31, 2008’ in paragraph
22 (2)(A)(v),

23 “(E) by substituting ‘May 4, 2007’ for
24 ‘August 27, 2005’ in paragraph (3)(A),

1 “(F) by substituting ‘January 1, 2009’ for
2 ‘January 1, 2008’ in paragraph (3)(B), and

3 “(G) determined without regard to para-
4 graph (6) thereof.

5 “(5) INCREASE IN EXPENSING UNDER SECTION
6 179.—Section 1400N(e), by substituting ‘qualified
7 section 179 Recovery Assistance property’ for ‘quali-
8 fied section 179 Gulf Opportunity Zone property’
9 each place it appears.

10 “(6) EXPENSING FOR CERTAIN DEMOLITION
11 AND CLEAN-UP COSTS.—Section 1400N(f)—

12 “(A) by substituting ‘qualified Recovery
13 Assistance clean-up cost’ for ‘qualified Gulf Op-
14 portunity Zone clean-up cost’ each place it ap-
15 pears, and

16 “(B) by substituting ‘beginning on May 4,
17 2007, and ending on December 31, 2009’ for
18 ‘beginning on August 28, 2005, and ending on
19 December 31, 2007’ in paragraph (2) thereof.

20 “(7) TREATMENT OF PUBLIC UTILITY PROP-
21 ERTY DISASTER LOSSES.—Section 1400N(o).

22 “(8) TREATMENT OF NET OPERATING LOSSES
23 ATTRIBUTABLE TO STORM LOSSES.—Section
24 1400N(k)—

1 “(A) by substituting ‘qualified Recovery
2 Assistance loss’ for ‘qualified Gulf Opportunity
3 Zone loss’ each place it appears,

4 “(B) by substituting ‘after May 3, 2007,
5 and before on January 1, 2010’ for ‘after Au-
6 gust 27, 2005, and before January 1, 2008’
7 each place it appears,

8 “(C) by substituting ‘May 4, 2007’ for
9 ‘August 28, 2005’ in paragraph (2)(B)(ii)(I)
10 thereof,

11 “(D) by substituting ‘qualified Recovery
12 Assistance property’ for ‘qualified Gulf Oppor-
13 tunity Zone property’ in paragraph (2)(B)(iv)
14 thereof, and

15 “(E) by substituting ‘qualified Recovery
16 Assistance casualty loss’ for ‘qualified Gulf Op-
17 portunity Zone casualty loss’ each place it ap-
18 pears.

19 “(9) TREATMENT OF REPRESENTATIONS RE-
20 GARDING INCOME ELIGIBILITY FOR PURPOSES OF
21 QUALIFIED RENTAL PROJECT REQUIREMENTS.—Sec-
22 tion 1400N(n).

23 “(10) SPECIAL RULES FOR USE OF RETIRE-
24 MENT FUNDS.—Section 1400Q—

1 “(A) by substituting ‘qualified Recovery
2 Assistance distribution’ for ‘qualified hurricane
3 distribution’ each place it appears,

4 “(B) by substituting ‘on or after May 4,
5 2007, and before January 1, 2009’ for ‘on or
6 after August 25, 2005, and before January 1,
7 2007’ in subsection (a)(4)(A)(i),

8 “(C) by substituting ‘qualified storm dis-
9 tribution’ for ‘qualified Katrina distribution’
10 each place it appears,

11 “(D) by substituting ‘after November 4,
12 2006, and before May 5, 2007’ for ‘after Feb-
13 ruary 28, 2005, and before August 29, 2005’ in
14 subsection (b)(2)(B)(ii),

15 “(E) by substituting ‘beginning on May 4,
16 2007, and ending on November 5, 2007’ for
17 ‘beginning on August 25, 2005, and ending on
18 February 28, 2006’ in subsection (b)(3)(A),

19 “(F) by substituting ‘qualified storm indi-
20 vidual’ for ‘qualified Hurricane Katrina indi-
21 vidual’ each place it appears,

22 “(G) by substituting ‘December 31, 2007’
23 for ‘December 31, 2006’ in subsection
24 (c)(2)(A),

1 “(H) by substituting ‘beginning on June 4,
2 2007, and ending on December 31, 2007’ for
3 ‘beginning on September 24, 2005, and ending
4 on December 31, 2006’ in subsection
5 (c)(4)(A)(i),

6 “(I) by substituting ‘May 4, 2007’ for ‘Au-
7 gust 25, 2005’ in subsection (c)(4)(A)(ii), and

8 “(J) by substituting ‘January 1, 2008’ for
9 ‘January 1, 2007’ in subsection (d)(2)(A)(ii).”.

10 (b) CLERICAL AMENDMENT.—The table of parts for
11 subchapter Y is amended by adding at the end the fol-
12 lowing new item:

 “PART III. TAX BENEFITS FOR OTHER DISASTER AREAS”.

13 **TITLE II—NEW HOMESTEAD OP-**
14 **PORTUNITIES** **PILOT**
15 **PROJECT**

16 **SEC. 201. LOANS FOR LEADERSHIP INITIATIVE.**

17 (a) DEFINITIONS.—In this section:

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

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

1 (3) QUALIFYING AREA.—The term “qualifying
2 area” means an area with respect to which a major
3 disaster has been declared by the President under
4 section 401 of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (FEMA–1699–DR)
6 by reason of severe storms and tornados beginning
7 on May 4, 2007, and determined by the President
8 to warrant individual or public assistance from the
9 Federal Government under such Act.

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 area; and

24 (C) is employed in a qualifying area.

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, for each of the first 5 years
7 of the residency and employment described in sub-
8 paragraphs (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 “(1) 10 percent of the purchase price of the
2 residence, or

3 “(2) \$5,000.

4 “(b) LIMITATIONS.—

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

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

11 “(B) the sum of the credits allowable
12 under this subpart (other than this section and
13 section 23) and section 27 for the taxable year.

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

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

1 “(4) OTHER TAXPAYERS.—If 2 or more individ-
2 uals who are not married purchase a qualified resi-
3 dence, the amount of the credit allowed under sub-
4 section (a) shall be allocated among such individuals
5 in such manner as the Secretary may prescribe, ex-
6 cept that the total amount of the credits allowed to
7 all such individuals shall not exceed \$5,000.

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

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

12 “(2) QUALIFYING AREA.—The term ‘qualifying
13 area’ means an area with respect to which a major
14 disaster has been declared by the President under
15 section 401 of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (FEMA–1699–DR)
17 by reason of severe storms and tornados beginning
18 on May 4, 2007, and determined by the President
19 to warrant individual or public assistance from the
20 Federal Government under such Act.

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

24 “(d) CARRYFORWARD OF UNUSED CREDIT.—If the
25 credit allowable under subsection (a) for any taxable year

1 exceeds the limitation imposed by subsection (b)(1) for
2 such taxable year reduced by the sum of the credits allow-
3 able under this subpart (other than this section and sec-
4 tion 23), such excess shall be carried to the succeeding
5 taxable year and added to the credit allowable under sub-
6 section (a) for such taxable year.

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

12 “(f) RECAPTURE OF CREDIT IN CASE OF CERTAIN
13 SALES.—

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

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

1 “(A) the applicable recapture percentage of
 2 the amount of the credit allowed to the tax-
 3 payer under this section, plus

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

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

12 “(3) APPLICABLE RECAPTURE PERCENTAGE.—

13 “(A) IN GENERAL.—For purposes of this
 14 subsection, the applicable recapture percentage
 15 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. |

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

1 “(4) NO CREDITS AGAINST TAX.—Any increase
2 in tax under this subsection shall not be treated as
3 a tax imposed by this chapter for purposes of deter-
4 mining the amount of any credit under this chapter
5 or for purposes of section 55.

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

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

14 “(B) a disposition of the old qualified resi-
15 dence if it is substantially or completely de-
16 stroyed by a casualty described in section
17 165(c)(3) or compulsorily or involuntarily con-
18 verted (within the meaning of section 1033(a)),
19 or

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

24 “(g) BASIS ADJUSTMENT.—For purposes of this sub-
25 title, if a credit is allowed under this section with respect

1 to the purchase of any residence, the basis of such resi-
2 dence shall be reduced by the amount of the credit so al-
3 lowed.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Subsection (a) of section 1016 (relating to
6 general rule for adjustments to basis) is amended by
7 striking “and” at the end of paragraph (36), by
8 striking the period at the end of paragraph (37) and
9 inserting “, and”, and by adding at the end the fol-
10 lowing new paragraph:

11 “(38) in the case of a residence with respect to
12 which a credit was allowed under section 25E, to the
13 extent provided in section 25E(g).”.

14 (2) Section 23(c)(1) is amended by inserting “,
15 25E,” after “25D”.

16 (3) Section 25(e)(1)(C) is amended by inserting
17 “25E,” after “25D,” both places it appears.

18 (4) Section 1400C(d)(1) is amended by striking
19 “and section 25D” and inserting “and sections 25D
20 and 25E”.

21 (5) Section 1400C(d)(2) is amended by striking
22 “and 25D” and inserting “25D, and 25E”.

23 (6) The table of sections for subpart A of part
24 IV of subchapter A of chapter 1 is amended by in-

1 serting before the item relating to section 26 the fol-
2 lowing new item:

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

3 (c) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to purchases after the date of the
5 enactment of this Act and before the date which is 5 years
6 after such date of enactment.

7 **SEC. 203. CAPITAL LOSS DEDUCTION ALLOWED WITH RE-**
8 **SPECT TO SALE OR EXCHANGE OF PRINCIPAL**
9 **RESIDENCE IN CERTAIN RURAL AREAS.**

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

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

13 (2),

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

16 (3) by adding at the end the following new
17 paragraph:

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

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

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply to sales and exchanges after the
 6 date of the enactment of this Act and before the date
 7 which is 5 years after such date of enactment.

8 **SEC. 204. INDIVIDUAL HOMESTEAD ACCOUNTS.**

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

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

“Sec. 530A. Individual homestead accounts.

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

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

20 “(b) INDIVIDUAL HOMESTEAD ACCOUNT.—For pur-
 21 poses of this title, the term ‘individual homestead account’
 22 means a trust created or organized in the United States
 23 for the exclusive benefit of a qualified individual or his

1 beneficiaries, but only if the written governing instrument
2 creating the trust meets the following requirements:

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

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

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

11 “(C) contributions will not be accepted for
12 any taxable year following the fifth taxable year
13 in which the qualified individual has contributed
14 to any individual homestead account.

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

17 “(c) QUALIFIED INDIVIDUAL; QUALIFYING AREA.—
18 For purposes of this section—

19 “(1) QUALIFIED INDIVIDUAL.—The term ‘quali-
20 fied individual’ means, for any taxable year, an indi-
21 vidual who is a bona fide resident of a qualifying
22 area.

23 “(2) QUALIFYING AREA.—The term ‘qualifying
24 area’ means an area with respect to which a major
25 disaster has been declared by the President under

1 section 401 of the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act (FEMA–1699–DR)
3 by reason of severe storms and tornados beginning
4 on May 4, 2007, and determined by the President
5 to warrant individual or public assistance from the
6 Federal Government under such Act.

7 “(d) MATCHING CONTRIBUTIONS TO INDIVIDUAL
8 HOMESTEAD ACCOUNTS.—

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

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

23 “(A) In the case of a married individual
24 (as defined in section 7703) filing a joint re-
25 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 |
| 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

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

5 “(e) TAX TREATMENT OF DISTRIBUTIONS.—

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

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

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

1 duced by any matching contribution under sub-
2 section (d), and

3 “(B) any qualified individual homestead
4 distribution.

5 “(f) QUALIFIED INDIVIDUAL HOMESTEAD DISTRIBU-
6 TION.—For purposes of this section—

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

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

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

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

25 “(A) Qualified higher education expenses.

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

2 “(C) Qualified business capitalization
3 costs.

4 “(D) Qualified medical expenses.

5 “(E) Qualified rollovers.

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

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

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

1 “(C) COORDINATION WITH OTHER BENE-
2 FITS.—The amount of qualified higher edu-
3 cation expenses for any taxable year shall be re-
4 duced as provided in section 25A(g)(2).

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

13 “(5) QUALIFIED BUSINESS CAPITALIZATION
14 COSTS.—

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

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

24 “(C) QUALIFIED BUSINESS.—The term
25 ‘qualified business’ means any trade or business

1 located in a qualifying area other than any
2 trade or business—

3 “(i) which consists of the operation of
4 any facility described in section
5 144(c)(6)(B), or

6 “(ii) which contravenes any law.

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

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

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

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

23 “(A) such taxpayer, or

24 “(B) any qualified individual who is—

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

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

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

5 “(g) TAX TREATMENT OF ACCOUNTS.—

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

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

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

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

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

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

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

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

14 “(B) shall be furnished to individuals—

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

18 “(ii) in such manner as the Secretary
19 prescribes in such regulations.

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

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

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

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

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

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

21 Such designation shall be made in such manner as
22 the Secretary prescribes by regulations.

23 “(3) PORTION ATTRIBUTABLE TO EARNED IN-
24 COME TAX CREDIT.—For purposes of this sub-
25 section, an overpayment for any taxable year shall

1 be treated as attributable to the earned income tax
2 credit to the extent that such overpayment does not
3 exceed the credit allowed to the taxpayer under sec-
4 tion 32 for such taxable year.

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

13 “(j) PENALTY FOR DISTRIBUTIONS NOT USED FOR
14 QUALIFIED INDIVIDUAL HOMESTEAD EXPENSES.—

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

1 amounts contributed under subsection (d) to the ex-
2 tent thereof.

3 “(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS.—Paragraph (1) shall not apply to distribu-
4 tions which are—
5

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

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

11 “(C) attributable to the account holder’s
12 being disabled within the meaning of section
13 72(m)(7), or

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

15 “(k) APPLICATION OF SECTION.—This section shall
16 apply with respect to any individual homestead account
17 established after the date of the enactment of the Kansas
18 Disaster Tax Relief Assistance Act and before the date
19 which is 5 years after such date of enactment.”.

20 (b) TAX ON EXCESS CONTRIBUTIONS.—

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

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

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

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

10 “(1) the excess (if any) of—

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

15 “(B) the amount allowable under section
16 530A for such contributions, and

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

20 “(A) the distributions out of the accounts
21 for the taxable year which were included in the
22 gross income of the payee under section
23 530A(e)(1),

24 “(B) the distributions out of the accounts
25 for the taxable year to which rules similar to

1 the rules of section 408(d)(5) apply by reason
2 of section 530A(g)(2), and

3 “(C) the excess (if any) of the maximum
4 amount allowable as a contribution under sec-
5 tion 530A for the taxable year over the amount
6 contributed to the account for the taxable year
7 (other than a contribution under section
8 530A(d)).

9 For purposes of this subsection, any contribution which
10 is distributed from the individual homestead account in
11 a distribution to which rules similar to the rules of section
12 408(d)(4) apply by reason of section 530A(g)(2) shall be
13 treated as an amount not contributed.”.

14 (c) TAX ON PROHIBITED TRANSACTIONS.—Section
15 4975 is amended—

16 (1) by adding at the end of subsection (c) the
17 following paragraph:

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

1 to be an individual homestead account by reason of
2 the application of section 530A(g)(1) to such ac-
3 count.”, and

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

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

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

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

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

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

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

1 paragraph (D), by striking the period and inserting “,
 2 and” at the end of subparagraph (E), and by inserting
 3 after subparagraph (E) the following new subparagraph:

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

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

 “PART IX. INDIVIDUAL HOMESTEAD ACCOUNTS”.

9 **TITLE III—INCENTIVES FOR**
 10 **MAIN STREET BUSINESSES**

11 **SEC. 301. RURAL INVESTMENT TAX CREDIT.**

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

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

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

22 “(b) APPLICABLE PERCENTAGE: 70 PERCENT
 23 PRESENT VALUE CREDIT FOR NEW BUILDINGS; 30 PER-
 24 CENT PRESENT VALUE CREDIT FOR EXISTING BUILD-
 25 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 AREA.—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 area (and, if necessary to the project, any
19 contiguous county) and selected by the State accord-
20 ing to its qualified rural investment plan.

21 “(2) QUALIFYING AREA.—The term ‘qualifying
22 area’ means an area with respect to which a major
23 disaster has been declared by the President under
24 section 401 of the Robert T. Stafford Disaster Relief
25 and Emergency Assistance Act (FEMA–1699–DR)

1 by reason of severe storms and tornados beginning
2 on May 4, 2007, and determined by the President
3 to warrant individual or public assistance from the
4 Federal Government under such Act.

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

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

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

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

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

1 “(3) RURAL INVESTMENT CREDIT DOLLAR
2 AMOUNT FOR AGENCIES.—

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

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

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

23 “(i) the unused State rural investment
24 credit ceiling (if any) of such State for the
25 preceding calendar year,

1 “(ii) \$1,000,000 for each qualifying
2 area in the State,

3 “(iii) the amount of State rural in-
4 vestment credit ceiling returned in the cal-
5 endar year, plus

6 “(iv) the amount (if any) allocated
7 under subparagraph (D) to such State by
8 the Secretary.

9 For purposes of clause (i), the unused State
10 rural investment credit ceiling for any calendar
11 year is the excess (if any) of the sum of the
12 amounts described in clauses (ii) through (iv)
13 over the aggregate rural investment credit dol-
14 lar amount allocated for such year. For pur-
15 poses of clause (iii), the amount of State rural
16 investment credit ceiling returned in the cal-
17 endar year equals the rural investment credit
18 dollar amount previously allocated within the
19 State to any investment project which fails to
20 meet the 10 percent test under section
21 42(h)(1)(E)(ii) on a date after the close of the
22 calendar year in which the allocation was made
23 or which does not become a qualified rural in-
24 vestment project within the period required by
25 this section or the terms of the allocation or to

1 any investment project with respect to which an
2 allocation is canceled by mutual consent of the
3 rural investment credit agency and the alloca-
4 tion recipient.

5 “(D) UNUSED RURAL INVESTMENT CREDIT
6 CARRYOVERS ALLOCATED AMONG CERTAIN
7 STATES.—

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

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

21 “(I) the unused State rural in-
22 vestment credit ceiling for the year
23 preceding such year, over

1 “(II) the aggregate rural invest-
2 ment credit dollar amount allocated
3 for such year.

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

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

23 “(I) which allocated its entire
24 State rural investment credit ceiling
25 for the preceding calendar year, and

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

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

10 “(F) POPULATION.—For purposes of this
11 paragraph, population shall be determined in
12 accordance with section 146(j).

13 “(G) COST-OF-LIVING ADJUSTMENT.—

14 “(i) IN GENERAL.—In the case of a
15 calendar year after 2007, the \$1,000,000
16 amount in subparagraph (C) shall be in-
17 creased by an amount equal to—

18 “(I) such dollar amount, multi-
19 plied by

20 “(II) the cost-of-living adjust-
21 ment determined under section 1(f)(3)
22 for such calendar year by substituting
23 ‘calendar year 2006’ for ‘calendar
24 year 1992’ in subparagraph (B) there-
25 of.

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

5 “(4) PORTION OF STATE CEILING SET-ASIDE
6 FOR CERTAIN INVESTMENT PROJECTS INVOLVING
7 QUALIFIED NONPROFIT ORGANIZATIONS.—

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

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

22 “(C) QUALIFIED NONPROFIT ORGANIZA-
23 TION.—For purposes of this paragraph, the
24 term ‘qualified nonprofit organization’ means
25 any organization if—

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

4 “(ii) such organization is determined
5 by the State rural investment credit agency
6 not to be affiliated with or controlled by a
7 for-profit organization, and

8 “(iii) 1 of the exempt purposes of
9 such organization includes the fostering of
10 rural investment.

11 “(D) TREATMENT OF CERTAIN SUBSIDI-
12 ARIES.—

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

20 “(ii) QUALIFIED CORPORATION.—For
21 purposes of clause (i), the term ‘qualified
22 corporation’ means any corporation if 100
23 percent of the stock of such corporation is
24 held by 1 or more qualified nonprofit orga-

1 nizations at all times during the period
2 such corporation is in existence.

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

8 “(F) CREDITS FOR QUALIFIED NONPROFIT
9 ORGANIZATIONS.—

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

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

23 “(iii) CREDIT NOT INCOME.—A trans-
24 fer under subparagraph (B) of any credit
25 allowable under subparagraph (A) shall not

1 result in income for purposes of section
2 511.

3 “(5) SPECIAL RULES.—

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

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

22 “(C) CREDIT REDUCED IF ALLOCATED
23 CREDIT DOLLAR AMOUNT IS LESS THAN CREDIT
24 WHICH WOULD BE ALLOWABLE WITHOUT RE-
25 GARD TO SALES CONVENTION, ETC.—

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

8 “(ii) DETERMINATION OF PERCENT-
9 AGE.—For purposes of clause (i), the
10 clause (ii) percentage with respect to any
11 building is the percentage which—

12 “(I) the rural investment credit
13 dollar amount allocated to such build-
14 ing bears to

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

17 “(iii) DETERMINATION OF CREDIT
18 AMOUNT.—The credit amount determined
19 in accordance with this clause is the
20 amount of the credit which would (but for
21 this subparagraph) be determined under
22 this section with respect to the building if
23 this section were applied without regard to
24 paragraph (2)(A) of subsection (e).

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

14 “(6) OTHER DEFINITIONS.—For purposes of
15 this subsection—

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

20 “(B) POSSESSIONS TREATED AS STATES.—
21 The term ‘State’ includes a possession of the
22 United States.

23 “(7) PORTION OF STATE CEILING SET-ASIDE
24 FOR QUALIFIED RURAL SMALL BUSINESS INVEST-
25 MENT CREDITS.—Not more than 20 percent of the

1 State rural investment credit ceiling for any State
2 for any calendar year may be allocated to qualified
3 rural small business investment credits under section
4 42B.

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

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

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

15 “(3) EXISTING BUILDING.—The term ‘existing
16 building’ means any building which is not a new
17 building.

18 “(4) APPLICATION TO ESTATES AND TRUSTS.—
19 In the case of an estate or trust, the amount of the
20 credit determined under subsection (a) and any in-
21 crease in tax under subsection (i) shall be appor-
22 tioned between the estate or trust and the bene-
23 ficiaries on the basis of the income of the estate or
24 trust allocable to each.

25 “(i) RECAPTURE OF CREDIT.—If—

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

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

10 “(j) CERTIFICATIONS AND OTHER REPORTS TO SEC-
11 RETARY.—

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

19 “(A) the taxable year, and calendar year,
20 in which such building was first placed in serv-
21 ice,

22 “(B) the eligible basis of such building as
23 of the beginning of the credit period,

24 “(C) the maximum applicable percentage
25 and eligible basis permitted to be taken into ac-

1 count by the appropriate rural investment cred-
2 it agency under subsection (g),

3 “(D) the election made under subsection
4 (f) with respect to the qualified rural invest-
5 ment project of which such building is a part,
6 and

7 “(E) such other information as the Sec-
8 retary may require.

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

16 “(2) ANNUAL REPORTS TO THE SECRETARY.—
17 The Secretary may require taxpayers to submit an
18 information return (at such time and in such form
19 and manner as the Secretary prescribes) for each
20 taxable year setting forth—

21 “(A) the eligible basis for the taxable year
22 of each qualified rural investment building of
23 the taxpayer,

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

1 “(C) such other information as the Sec-
2 retary may require.

3 The penalty under section 6652(j) shall apply to any
4 failure to submit the return required by the Sec-
5 retary under the preceding sentence on the date pre-
6 scribed therefor.

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

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

16 “(B) sufficient information to identify each
17 such building and the taxpayer with respect
18 thereto, and

19 “(C) such other information as the Sec-
20 retary may require.

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

24 “(k) RESPONSIBILITIES OF RURAL INVESTMENT
25 CREDIT AGENCIES.—

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

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

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

14 “(ii) such agency notifies the chief ex-
15 ecutive officer (or the equivalent) of the
16 local jurisdiction within which the building
17 is located of such investment project and
18 provides such individual a reasonable op-
19 portunity to comment on the investment
20 project,

21 “(iii) a comprehensive market study
22 of the development needs of individuals in
23 the qualifying area to be served by the in-
24 vestment project is conducted before the
25 credit allocation is made and at the devel-

1 oper’s expense by a disinterested party who
2 is approved by such agency, and

3 “(iv) a written explanation is available
4 to the general public for any allocation of
5 a rural investment credit dollar amount
6 which is not made in accordance with es-
7 tablished priorities and selection criteria of
8 the rural investment credit agency.

9 “(B) QUALIFIED RURAL INVESTMENT
10 PLAN.—For purposes of this section, the term
11 ‘qualified rural investment plan’ means any
12 plan—

13 “(i) which sets forth selection criteria
14 to be used to determine priorities of the
15 rural investment credit agency which are
16 appropriate to the qualifying area,

17 “(ii) which also gives preference in al-
18 locating rural investment credit dollar
19 amounts among selected investment
20 projects to—

21 “(I) investment projects that tar-
22 get those small rural counties with
23 consistently high rates of net out-mi-
24 gration,

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

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

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

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

25 “(i) investment project location,

1 “(ii) technology and transportation in-
2 frastructure needs, and

3 “(iii) private development trends.

4 “(2) CREDIT ALLOCATED TO BUILDING NOT TO
5 EXCEED AMOUNT NECESSARY TO ASSURE INVEST-
6 MENT PROJECT FEASIBILITY.—

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

15 “(B) AGENCY EVALUATION.—In making
16 the determination under subparagraph (A), the
17 rural investment credit agency shall consider—

18 “(i) the sources and uses of funds and
19 the total financing planned for the invest-
20 ment project,

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

23 “(iii) the percentage of the rural in-
24 vestment credit dollar amount used for in-

1 investment project costs other than the cost
2 of intermediaries, and

3 “(iv) the reasonableness of the devel-
4 opmental and operational costs of the in-
5 vestment project.

6 Clause (iii) shall not be applied so as to impede
7 the development of investment projects in hard-
8 to-develop areas.

9 “(C) DETERMINATION MADE WHEN CRED-
10 IT AMOUNT APPLIED FOR AND WHEN BUILDING
11 PLACED IN SERVICE.—

12 “(i) IN GENERAL.—A determination
13 under subparagraph (A) shall be made as
14 of each of the following times:

15 “(I) The application for the rural
16 investment credit dollar amount.

17 “(II) The allocation of the rural
18 investment credit dollar amount.

19 “(III) The date the building is
20 first placed in service.

21 “(ii) CERTIFICATION AS TO AMOUNT
22 OF OTHER SUBSIDIES.—Prior to each de-
23 termination under clause (i), the taxpayer
24 shall certify to the rural investment credit
25 agency the full extent of all Federal, State,

1 and local subsidies which apply (or which
2 the taxpayer expects to apply) with respect
3 to the building.

4 “(1) REGULATIONS.—The Secretary shall prescribe
5 such regulations as may be necessary or appropriate to
6 carry out the purposes of this section, including regula-
7 tions—

8 “(1) dealing with—

9 “(A) investment projects which include
10 more than 1 building or only a portion of a
11 building,

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

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

15 “(3) preventing the avoidance of the rules of
16 this section, and

17 “(4) providing the opportunity for rural invest-
18 ment credit agencies to correct administrative errors
19 and omissions with respect to allocations and record
20 keeping within a reasonable period after their dis-
21 covery, taking into account the availability of regula-
22 tions and other administrative guidance from the
23 Secretary.”.

24 (b) CURRENT YEAR BUSINESS CREDIT CALCULA-
25 TION.—Section 38(b) (relating to current year business

1 credit) is amended by striking “plus” at the end of para-
2 graph (30), by striking the period at the end of paragraph
3 (31) and inserting “, plus”, and by adding at the end the
4 following new paragraph:

5 “(32) the rural investment credit determined
6 under section 42A(a).”.

7 (c) CONFORMING AMENDMENTS.—

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

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

14 (3) Section 772(a) is amended by striking
15 “and” at the end of paragraph (10), by redesign-
16 ating paragraph (11) as paragraph (12), and by in-
17 serting after paragraph (10) the following new para-
18 graph:

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

21 (4) Section 774(b)(4) is amended by inserting
22 “, 42A(i),” after “section 42(j)”.

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

1 is amended by inserting after the item relating to section
2 42 the following new item:

“Sec. 42A. Rural investment credit.”.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to expenditures made in taxable
5 years beginning after the date of the enactment of this
6 Act and before the date which is 5 years after such date
7 of enactment.

8 **SEC. 302. QUALIFIED RURAL SMALL BUSINESS INVEST-**
9 **MENT CREDIT.**

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

14 **“SEC. 42B. QUALIFIED RURAL SMALL BUSINESS INVEST-**
15 **MENT CREDIT.**

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

22 “(b) DOLLAR LIMITATION.—

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

1 “(A) \$5,000, or

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

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

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

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

18 “(2) materially and substantially participates in
19 management,

20 “(3) is located in a qualifying area, and

21 “(4) submitted a qualified business plan with
22 respect to which the rural investment credit agency
23 with jurisdiction over such qualifying area has allo-
24 cated a portion of the State rural investment ceiling
25 for such taxable year under section 42A(g)(7).

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

5 “(d) QUALIFIED EXPENDITURES.—For purposes of
6 this section—

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

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

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

24 “(1) has been approved by the rural investment
25 credit agency with jurisdiction over the qualifying

1 area in which the qualified rural small business is lo-
2 cated pursuant to such agency's rural investment
3 plan, and

4 “(2) meets such requirements as the agency
5 may specify.

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

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

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

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

15 “(1) any term which is used in this section
16 which is used in section 42A shall have the meaning
17 given such term by section 42A, and

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

20 (b) CURRENT YEAR BUSINESS CREDIT CALCULA-
21 TION.—Section 38(b) (relating to current year business
22 credit), as amended by this Act, is amended by striking
23 “plus” at the end of paragraph (31), by striking the period
24 at the end of paragraph (32) and inserting “, plus”, and
25 by adding at the end the following new paragraph:

1 “(33) the qualified rural small business invest-
2 ment credit determined under section 42B(a).”.

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

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

7 (d) 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 and before the date which is 5 years after such date
11 of enactment.

12 **SEC. 303. ACCELERATED DEPRECIATION FOR RURAL IN-**
13 **VESTMENT PROPERTY.**

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

16 “(m) PROPERTY IN RURAL INVESTMENT
17 PROJECTS.—

18 “(1) IN GENERAL.—For purposes of subsection
19 (a), the applicable recovery period for qualified rural
20 investment property shall be determined in accord-
21 ance with the table contained in paragraph (2) in
22 lieu of the table contained in subsection (c).

23 “(2) APPLICABLE RECOVERY PERIOD FOR
24 RURAL INVESTMENT PROPERTY.—For purposes of
25 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. |

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

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

10 “(A) IN GENERAL.—The term ‘qualified
 11 rural investment property’ means property
 12 which is property described in the table in para-
 13 graph (2) and which is—

14 “(i) used by the taxpayer predomi-
 15 nantly in the active conduct of a trade or
 16 business within a qualified rural invest-
 17 ment project,

18 “(ii) not used or located outside the
 19 qualified rural investment project on a reg-
 20 ular basis,

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

5 “(iv) not property (or any portion
6 thereof) placed in service for purposes of
7 operating any facility described in section
8 144(e)(6)(B).

9 “(B) EXCEPTION FOR ALTERNATIVE DE-
10 PRECIATION PROPERTY.—The term ‘qualified
11 rural investment property’ does not include any
12 property to which the alternative depreciation
13 system under subsection (g) applies, deter-
14 mined—

15 “(i) without regard to subsection
16 (g)(7) (relating to election to use alter-
17 native depreciation system), and

18 “(ii) after the application of section
19 280F(b) (relating to listed property with
20 limited business use).

21 “(C) SPECIAL RULE FOR INFRASTRUCTURE
22 INVESTMENT.—

23 “(i) IN GENERAL.—Subparagraph
24 (A)(ii) shall not apply to qualified infra-
25 structure property located outside of the

1 qualified rural investment project if the
2 purpose of such property is to connect with
3 qualified infrastructure property located
4 within such project.

5 “(ii) QUALIFIED INFRASTRUCTURE
6 PROPERTY.—For purposes of this subpara-
7 graph, the term ‘qualified infrastructure
8 property’ means qualified rural investment
9 property (determined without regard to
10 subparagraph (A)(ii)) which—

11 “(I) benefits the qualifying area
12 infrastructure,

13 “(II) is available to the general
14 public, and

15 “(III) is placed in service in con-
16 nection with the taxpayer’s active con-
17 duct of a trade or business within a
18 qualified rural investment project.

19 Such term includes, but is not limited to,
20 roads, power lines, water systems, railroad
21 spurs, and communications facilities.

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

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to property placed in service after
3 the date of the enactment of this Act and before the date
4 which is 5 years after such date of enactment.

○