

## Calendar No. 651

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 3975**

To permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2010

Mr. DEMINT introduced the following bill; which was read the first time

NOVEMBER 19, 2010

Read the second time and placed on the calendar

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**A BILL**

To permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Tax Relief Certainty  
5       Act”.

# **TITLE I—PERMANENT TAX RELIEF**

## **3 SEC. 101. REPEAL OF EGTRRA SUNSET.**

4 (a) IN GENERAL.—Section 901 of the Economic  
5 Growth and Tax Relief Reconciliation Act of 2001 is re-  
6 pealed.

7 (b) SUNSET MAINTAINED FOR EXPANSION OF ADOP-  
8 TION BENEFITS UNDER THE PATIENT PROTECTION AND  
9 AFFORDABLE CARE ACT.—Subsection (c) of section  
10 10909 of the Patient Protection and Affordable Care Act  
11 is amended to read as follows:

12 “(c) SUNSET PROVISION.—All provisions of, and  
13 amendments made by, this section shall not apply to tax-  
14 able years beginning after December 31, 2011, and the  
15 Internal Revenue Code of 1986 shall be applied and ad-  
16 ministered to such years as if such provisions and amend-  
17 ments had never been enacted.”.

## **18 SEC. 102. REPEAL OF JGTRRA SUNSET.**

19 Section 303 of the Jobs and Growth Tax Relief Rec-  
20 onciliation Act of 2003 is repealed.

## **21 SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS.**

22 The Secretary of the Treasury or the Secretary’s del-  
23 egate shall not later than 90 days after the date of the  
24 enactment of this Act, submit to the Committee on Ways  
25 and Means of the House of Representatives and the Com-

1 mittee on Finance of the Senate a draft of any technical  
 2 and conforming changes in the Internal Revenue Code of  
 3 1986 which are necessary to reflect throughout such Code  
 4 the purposes of the provisions of, and amendments made  
 5 by, this Act.

## 6 **TITLE II—PERMANENT** 7 **INDIVIDUAL AMT RELIEF**

### 8 **SEC. 201. PERMANENT INDIVIDUAL AMT RELIEF.**

9 (a) MODIFICATION OF ALTERNATIVE MINIMUM TAX  
 10 EXEMPTION AMOUNT.—

11 (1) IN GENERAL.—Paragraph (1) of section  
 12 55(d) of the Internal Revenue Code of 1986 (relat-  
 13 ing to exemption amount) is amended to read as fol-  
 14 lows:

15 “(1) EXEMPTION AMOUNT FOR TAXPAYERS  
 16 OTHER THAN CORPORATIONS.—In the case of a tax-  
 17 payer other than a corporation, the term ‘exemption  
 18 amount’ means—

19 “(A) the dollar amount for taxable years  
 20 beginning in the calendar year as specified in  
 21 the table contained in paragraph (4)(A) in the  
 22 case of—

23 “(i) a joint return, or

24 “(ii) a surviving spouse,

1 “(B) the dollar amount for taxable years  
 2 beginning in the calendar year as specified in  
 3 the table contained in paragraph (4)(B) in the  
 4 case of an individual who—

5 “(i) is not a married individual, and

6 “(ii) is not a surviving spouse,

7 “(C) 50 percent of the dollar amount ap-  
 8 plicable under paragraph (1)(A) in the case of  
 9 a married individual who files a separate re-  
 10 turn, and

11 “(D) \$22,500 in the case of an estate or  
 12 trust.

13 For purposes of this paragraph, the term ‘surviving  
 14 spouse’ has the meaning given to such term by sec-  
 15 tion 2(a), and marital status shall be determined  
 16 under section 7703.’’.

17 (2) SPECIFIED EXEMPTION AMOUNTS.—Section  
 18 55(d) of such Code is amended by adding at the end  
 19 the following new paragraph:

20 “(4) SPECIFIED EXEMPTION AMOUNTS.—

21 “(A) TAXPAYERS DESCRIBED IN PARA-  
 22 GRAPH (1)(A).—For purposes of paragraph  
 23 (1))(A)—

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“For taxable years beginning in—	The exemp- tion amount is:
2010 .....	\$72,450

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	“For taxable years beginning in—	The exemp- tion amount is:
2011 .....		\$74,450
2012 .....		\$78,250
2013 .....		\$81,450
2014 .....		\$85,050
2015 .....		\$88,650
2016 .....		\$92,650
2017 .....		\$96,550
2018 .....		\$100,950
2019 .....		\$105,150
2020 .....		\$109,950.

1 “(B) TAXPAYERS DESCRIBED IN PARA-  
2 GRAPH (1)(B).—For purposes of paragraph  
3 (1))(B)—

	“For taxable years beginning in—	The exemp- tion amount is:
2010 .....		\$47,450
2011 .....		\$48,450
2012 .....		\$50,350
2013 .....		\$51,950
2014 .....		\$53,750
2015 .....		\$55,550
2016 .....		\$57,550
2017 .....		\$59,500
2018 .....		\$61,700
2019 .....		\$63,800
2020 .....		\$66,200.”.

4 (b) ALTERNATIVE MINIMUM TAX RELIEF FOR NON-  
5 REFUNDABLE CREDITS.—

6 (1) IN GENERAL.—Subsection (a) of section 26  
7 of the Internal Revenue Code of 1986 is amended to  
8 read as follows:

1       “(a) LIMITATION BASED ON AMOUNT OF TAX.—The  
 2 aggregate amount of credits allowed by this subpart for  
 3 the taxable year shall not exceed the sum of—

4               “(1) the taxpayer’s regular tax liability for the  
 5 taxable year reduced by the foreign tax credit allow-  
 6 able under section 27(a), and

7               “(2) the tax imposed by section 55(a) for the  
 8 taxable year.”.

9               (2) CONFORMING AMENDMENTS.—

10               (A) ADOPTION CREDIT.—

11                       (i) Section 23(b) of such Code, as in  
 12 effect on December 31, 2009, is amended  
 13 by striking paragraph (4).

14                       (ii) Section 23(c) of such Code, as in  
 15 effect on December 31, 2009, is amended  
 16 by striking paragraphs (1) and (2) and in-  
 17 serting the following:

18               “(1) IN GENERAL.—If the credit allowable  
 19 under subsection (a) for any taxable year exceeds  
 20 the limitation imposed by section 26(a) for such tax-  
 21 able year reduced by the sum of the credits allowable  
 22 under this subpart (other than this section and sec-  
 23 tions 25D and 1400C), such excess shall be carried  
 24 to the succeeding taxable year and added to the

credit allowable under subsection (a) for such taxable year.”.

(iii) Section 23(c) of such Code, as in effect on December 31, 2009 amended by redesignating paragraph (3) as paragraph (2).

(B) CHILD TAX CREDIT.—

(i) Section 24(b) of such Code is amended by striking paragraph (3).

(ii) Section 24(d)(1) of such Code is amended—

(I) by striking “section 26(a)(2) or subsection (b)(3), as the case may be,” each place it appears in subparagraphs (A) and (B) and inserting “section 26(a)”, and

(II) by striking “section 26(a)(2) or subsection (b)(3), as the case may be” in the second last sentence and inserting “section 26(a)”.

(C) CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.—Section 25(e)(1)(C) of such Code is amended to read as follows:

“(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term ‘applicable

1 tax limit’ means the limitation imposed by sec-  
 2 tion 26(a) for the taxable year reduced by the  
 3 sum of the credits allowable under this subpart  
 4 (other than this section and sections 23, 25D,  
 5 and 1400C).”.

6 (D) SAVERS’ CREDIT.—Section 25B of  
 7 such Code is amended by striking subsection  
 8 (g).

9 (E) RESIDENTIAL ENERGY EFFICIENT  
 10 PROPERTY.—Section 25D(c) of such Code is  
 11 amended to read as follows:

12 “(c) CARRYFORWARD OF UNUSED CREDIT.—If the  
 13 credit allowable under subsection (a) exceeds the limita-  
 14 tion imposed by section 26(a) for such taxable year re-  
 15 duced by the sum of the credits allowable under this sub-  
 16 part (other than this section), such excess shall be carried  
 17 to the succeeding taxable year and added to the credit al-  
 18 lowable under subsection (a) for such succeeding taxable  
 19 year.”.

20 (F) CERTAIN PLUG-IN ELECTRIC VEHI-  
 21 CLES.—Section 30(c)(2) of such Code is  
 22 amended to read as follows:

23 “(2) PERSONAL CREDIT.—For purposes of this  
 24 title, the credit allowed under subsection (a) for any  
 25 taxable year (determined after application of para-



graph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(G) ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(g)(2) of such Code is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(H) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) of such Code is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(I) CROSS REFERENCES.—Section 55(c)(3) of such Code is amended by striking “26(a), 30C(d)(2),” and inserting “30C(d)(2)”.

(J) FOREIGN TAX CREDIT.—Section 904 of such Code is amended by striking subsection (i) and by redesignating subsections (j) , (k), and (l) as subsections (i), (j), and (k), respectively.

1                   (K) FIRST-TIME HOME BUYER CREDIT FOR  
2           THE     DISTRICT     OF     COLUMBIA.—Section  
3           1400C(d) of such Code is amended to read as  
4           follows:

5       “(d) CARRYFORWARD OF UNUSED CREDIT.—If the  
6   credit allowable under subsection (a) exceeds the limita-  
7   tion imposed by section 26(a) for such taxable year re-  
8   duced by the sum of the credits allowable under subpart  
9   A of part IV of subchapter A (other than this section and  
10   section 25D), such excess shall be carried to the suc-  
11   ceeding taxable year and added to the credit allowable  
12   under subsection (a) for such taxable year.”.

13       (c) EFFECTIVE DATE.—The amendments made by  
14   this section shall apply to taxable years beginning after  
15   December 31, 2009.



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11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

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