

113TH CONGRESS
2D SESSION

H. R. 4878

To amend the Internal Revenue Code of 1986 to extend the special expensing rules for certain film and television productions and to provide for special expensing for live theatrical productions.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2014

Mr. COLLINS of Georgia (for himself, Mr. CROWLEY, Mr. BOUSTANY, Ms. LINDA T. SÁNCHEZ of California, Mr. NEAL, and Mr. NUNES) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to extend the special expensing rules for certain film and television productions and to provide for special expensing for live theatrical productions.

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 “Facilitating Invest-
5 ments in Local Markets Act” or the “FILM Act”.

1 **SEC. 2. EXTENSION OF SPECIAL EXPENSING RULES FOR**
2 **CERTAIN FILM AND TELEVISION PRODUC-**
3 **TIONS; SPECIAL EXPENSING FOR LIVE THE-**
4 **ATRICAL PRODUCTIONS.**

5 (a) IN GENERAL.—Subsection (f) of section 181 of
6 the Internal Revenue Code of 1986 is amended by striking
7 “December 31, 2013” and inserting “December 31,
8 2015”.

9 (b) APPLICATION TO LIVE PRODUCTIONS.—

10 (1) IN GENERAL.—Paragraph (1) of section
11 181(a) of the Internal Revenue Code of 1986 is
12 amended by inserting “, and any qualified live theat-
13 rical production,” after “any qualified film or tele-
14 vision production”.

15 (2) CONFORMING AMENDMENTS.—Section 181
16 of the Internal Revenue Code of 1986 is amended—

17 (A) by inserting “or any qualified live the-
18 atrical production” after “qualified film or tele-
19 vision production” each place it appears in sub-
20 sections (a)(2), (b), and (c)(1),

21 (B) by inserting “or qualified live theat-
22 rical productions” after “qualified film or tele-
23 vision productions” in subsection (f), and

24 (C) by inserting “**AND LIVE THEAT-**
25 **TRICAL**” after “**FILM AND TELEVISION**” in
26 the heading.

1 (3) CLERICAL AMENDMENT.—The item relating
 2 to section 181 in the table of sections for part VI
 3 of subchapter B of chapter 1 of the Internal Rev-
 4 enue Code of 1986 is amended to read as follows:

“Sec. 181. Treatment of certain qualified film and television and live theatrical
 productions.”.

5 (c) QUALIFIED LIVE THEATRICAL PRODUCTION.—
 6 Section 181 of the Internal Revenue Code of 1986 is
 7 amended—

8 (1) by redesignating subsections (e) and (f), as
 9 amended by subsections (a) and (b), as subsections
 10 (f) and (g), respectively, and

11 (2) by inserting after subsection (d) the fol-
 12 lowing new subsection:

13 “(e) QUALIFIED LIVE THEATRICAL PRODUCTION.—
 14 For purposes of this section—

15 “(1) IN GENERAL.—The term ‘qualified live
 16 theatrical production’ means any production de-
 17 scribed in paragraph (2) if 75 percent of the total
 18 compensation of the production is qualified com-
 19 pensation (as defined in subsection (d)(3)).

20 “(2) PRODUCTION.—

21 “(A) IN GENERAL.—A production is de-
 22 scribed in this paragraph if such production is
 23 a live staged production of a play (with or with-
 24 out music) which is derived from a written book

1 or script and is produced or presented by a tax-
2 able entity in any venue which has an audience
3 capacity of not more than 3,000 or a series of
4 venues the majority of which have an audience
5 capacity of not more than 3,000.

6 “(B) TOURING COMPANIES, ETC.—In the
7 case of multiple live staged productions—

8 “(i) for which the election under this
9 section would be allowable to the same tax-
10 payer, and

11 “(ii) which are—

12 “(I) separate phases of a produc-
13 tion, or

14 “(II) separate simultaneous stag-
15 ings of the same production in dif-
16 ferent geographical locations (not in-
17 cluding multiple performance locations
18 of any one touring production),

19 each such live staged production shall be treat-
20 ed as a separate production.

21 “(C) PHASE.—For purposes of subpara-
22 graph (B), the term ‘phase’ with respect to any
23 qualified live theatrical production refers to
24 each of the following, but only if each of the fol-

1 lowing is treated by the taxpayer as a separate
2 activity for all purposes of this title:

3 “(i) The initial staging of a live theat-
4 rical production.

5 “(ii) Subsequent additional stagings
6 or touring of such production which are
7 produced by the same producer as the ini-
8 tial staging.

9 “(D) EXCEPTION.—A production is not de-
10 scribed in this paragraph if such production in-
11 cludes or consists of any performance of con-
12 duct described in section 2257(h)(1) of title 18,
13 United States Code.”.

14 (d) EFFECTIVE DATES.—

15 (1) IN GENERAL.—The amendments made by
16 this section shall apply to productions commencing
17 after December 31, 2013.

18 (2) COMMENCEMENT.—For purposes of para-
19 graph (1), the date on which a qualified live theat-
20 rical production commences is the date of the first
21 public performance of such production for a paying
22 audience.

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