

113TH CONGRESS
1ST SESSION

H. R. 789

To amend the Internal Revenue Code of 1986 to permanently extend the tax treatment for certain build America bonds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2013

Mr. NEAL (for himself, Mr. LEVIN, Mr. RANGEL, Mr. McDERMOTT, Mr. LEWIS, Mr. BECERRA, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCARELL, Mr. CROWLEY, Ms. SCHWARTZ, Mr. DANNY K. DAVIS of Illinois, and Ms. LINDA T. SÁNCHEZ of California) 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 permanently extend the tax treatment for certain build America bonds, 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 “Build America Bonds
5 Act of 2013”.

6 **SEC. 2. BUILD AMERICA BONDS MADE PERMANENT.**

7 (a) IN GENERAL.—Subparagraph (B) of section
8 54AA(d)(1) of the Internal Revenue Code of 1986 is

1 amended by inserting “or during a period beginning on
 2 or after the date of the enactment of the Build America
 3 Bonds Act of 2013,” after “January 1, 2011,”.

4 (b) REDUCTION IN CREDIT PERCENTAGE TO BOND-
 5 HOLDERS.—Subsection (b) of section 54AA of such Code
 6 is amended to read as follows:

7 “(b) AMOUNT OF CREDIT.—

8 “(1) IN GENERAL.—The amount of the credit
 9 determined under this subsection with respect to any
 10 interest payment date for a build America bond is
 11 the applicable percentage of the amount of interest
 12 payable by the issuer with respect to such date.

13 “(2) APPLICABLE PERCENTAGE.—For purposes
 14 of paragraph (1), the applicable percentage shall be
 15 determined under the following table:

“In the case of a bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35
2013	32
2014	31
2015	30
2016	29
2017 and thereafter	28.”.

16 (c) EXTENSION OF PAYMENTS TO ISSUERS.—

17 (1) IN GENERAL.—Section 6431 of such Code
 18 is amended—

19 (A) by inserting “or during a period begin-
 20 ning on or after the date of the enactment of

1 the Build America Bonds Act of 2013,” after
2 “January 1, 2011,” in subsection (a), and
3 (B) by striking “before January 1, 2011”
4 in subsection (f)(1)(B) and inserting “during a
5 particular period”.

6 (2) CONFORMING AMENDMENTS.—Subsection
7 (g) of section 54AA of such Code is amended—

8 (A) by inserting “or during a period begin-
9 ning on or after the date of the enactment of
10 the Build America Bonds Act of 2013,” after
11 “January 1, 2011,” and

12 (B) by striking “QUALIFIED BONDS
13 ISSUED BEFORE 2011” in the heading and in-
14 serting “CERTAIN QUALIFIED BONDS”.

15 (d) REDUCTION IN PERCENTAGE OF PAYMENTS TO
16 ISSUERS.—Subsection (b) of section 6431 of such Code
17 is amended—

18 (1) by striking “The Secretary” and inserting
19 the following:

20 “(1) IN GENERAL.—The Secretary”,

21 (2) by striking “35 percent” and inserting “the
22 applicable percentage”, and

23 (3) by adding at the end the following new
24 paragraph:

1 “(2) APPLICABLE PERCENTAGE.—For purposes
 2 of this subsection, the term ‘applicable percentage’
 3 means the percentage determined in accordance with
 4 the following table:

“In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35
2013	32
2014	31
2015	30
2016	29
2017 and thereafter	28.”.

5 (e) CURRENT REFUNDINGS PERMITTED.—Sub-
 6 section (g) of section 54AA of such Code is amended by
 7 adding at the end the following new paragraph:

8 “(3) TREATMENT OF CURRENT REFUNDING
 9 BONDS.—

10 “(A) IN GENERAL.—For purposes of this
 11 subsection, the term ‘qualified bond’ includes
 12 any bond (or series of bonds) issued to refund
 13 a qualified bond if—

14 “(i) the average maturity date of the
 15 issue of which the refunding bond is a part
 16 is not later than the average maturity date
 17 of the bonds to be refunded by such issue,

18 “(ii) the amount of the refunding
 19 bond does not exceed the outstanding
 20 amount of the refunded bond, and

1 “(iii) the refunded bond is redeemed
2 not later than 90 days after the date of the
3 issuance of the refunding bond.

4 “(B) APPLICABLE PERCENTAGE.—In the
5 case of a refunding bond referred to in subpara-
6 graph (A), the applicable percentage with re-
7 spect to such bond under section 6431(b) shall
8 be the lowest percentage specified in paragraph
9 (2) of such section.

10 “(C) DETERMINATION OF AVERAGE MATU-
11 RITY.—For purposes of subparagraph (A)(i),
12 average maturity shall be determined in accord-
13 ance with section 147(b)(2)(A).

14 “(D) ISSUANCE RESTRICTION NOT APPLI-
15 CABLE.—Subsection (d)(1)(B) shall not apply
16 to a refunding bond referred to in subpara-
17 graph (A).”.

18 (f) CLARIFICATION RELATED TO LEVEES AND
19 FLOOD CONTROL PROJECTS.—Subparagraph (A) of sec-
20 tion 54AA(g)(2) of such Code is amended by inserting
21 “(including capital expenditures for levees and other flood
22 control projects)” after “capital expenditures”.

23 (g) GROSS-UP OF PAYMENT TO ISSUERS IN CASE OF
24 SEQUESTRATION.—In the case of any payment under sec-
25 tion 6431(b) of the Internal Revenue Code of 1986 made

1 after the date of the enactment of this Act to which se-
2 questration applies, the amount of such payment shall be
3 increased to an amount equal to—

4 (1) such payment (determined before such se-
5 questration), multiplied by

6 (2) the quotient obtained by dividing 1 by the
7 amount by which 1 exceeds the percentage reduction
8 in such payment pursuant to such sequestration.

9 For purposes of this subsection, the term “sequestration”
10 means any reduction in direct spending ordered in accord-
11 ance with a sequestration report prepared by the Director
12 of the Office and Management and Budget pursuant to
13 the Balanced Budget and Emergency Deficit Control Act
14 of 1985 or the Statutory Pay-As-You-Go Act of 2010.

15 (h) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to obligations issued on or after
17 the date of the enactment of this Act.

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