amendment No. 3635 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3658

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 3658 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3674

At the request of Mr. GREGG, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 3674 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BURR, Mr. COBURN, Mr. COLEMAN, Mr. CORKER, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. MCCAIN):

S. 2358. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Human-Animal Hybrid Prohibition Act, joined by Senator LANDRIEU and 15 other cosponsors.

A healthy imagination is a good thing in a young child. Children may dream of becoming a firefighter or an astronaut. In the case of really young children—especially when they love animals—they may even imagine being a horse or a dog. I don't see any harm in this . . . as long as there is a general attachment to reality as the child matures.

However, today, we are starting to see such wildly imaginative dreams being transformed into reality in a few rogue science labs in this country and abroad. Efforts are being marshaled to push us in the direction of experiments to create human-animal hybrids. Amazingly, here at the dawn of the 21st century, the Island of Dr. Moreau is becoming more than a fiction.

The legislation that we introduce today is very modest in scope. Though a few researchers may argue that it goes too far, there are many more who argue that it does not go far enough. I believe that the legislation that we offer today, hits just the right chord to be in tune with our society's needs. We do not want to stifle legitimate science. We only want to stop the efforts of mad scientists. In short, this bill only bans the creation of organisms that truly blur the line between humans and animals.

For instance, the legislation is so modest that it does not view all human-animal mixes as ''hybrids.'' This is because we recognize that some procedures—which currently use such techniques—do not blur the line between species. For example, a human with a replacement pig heart valve—such as our former colleague, Senator Jesse Helms is not considered a hybrid under this bill. Additionally, mixes that do not blur the line between human and animal—such as a mouse created with a human immune system, on which drugs could be tested for AIDS patients would not be banned. Again, this is because there is no blurring of the identity of the creatures involved.

What is banned is the creation of hybrid creatures that blur the line between species. For instance, creating an animal with human reproductive organs or a primarily human brain would be prohibited because such a creature blurs the lines between the species. Additionally banned are the creation of hybrids through experimental cloning techniques and/or the fusion of human and animal gametes. With this common sense bipartisan legislation, we are basically going with the most modest of bans in order to ensure that we do not infringe upon legitimate scientific research.

This ban would only hinder the efforts of mad scientists and rogue researchers. Legitimate scientists should have nothing to fear from the enactment of this legislative proposal.

There are many different reasons to support this legislation. This is reflected in the diverse groups that support this bill. On the right are groups such as the Family Research Council and Concerned Women for America; on the left are groups like Friends of the Earth and the International Center for Technology Assessment. Both sides have different but equally valid reasons for supporting the Human-Animal Hybrid Prohibition Act.

For now though, I would like to focus my attention on what I believe is the central ethical question: Why should we be opposed to human-animal hybrids?

I would submit that it is much more than what some have termed, ''the Yuck Factor.'' Rather, the reason to oppose human-animal hybrids is embedded in our very fabric as human beings. The reason to oppose the creation of human-animal hybrids is that the creation of such entities is a grave violation of human dignity and a defilement of the human person.

Human beings have a fundamental right to be born fully human. To create a human-animal hybrid whose identity as a member of the species Homo sapiens is in doubt is a violation of that human dignity and a grave injustice.

Think about this for a minute. What if—beyond your control—some mad scientist were to have created you as only 80-percent or 50-percent human. That would not be fair to you, but it would be something that you could not change and it would be something that you would have to live with for the whole of your existence on earth.

The fundamental issue is the dignity of the human person, but it does quickly move into other issues, such as the creation of a sub-human servant class, or maybe even a super-human class that comes to dominate humanity.

In the year 2000, one of the first attempts at human-animal hybrids was made. It was a vanguard attempt, which was shamed back into the silence of the mad scientist laboratory from which it came; but now as some scientists are trying to bring human-animal hybrids more into the mainstream, an essay on the year 2000 attempt is worth considering again. The essay, entitled, ''The Pig-Man Cometh'' appeared in the October 23, 2000, Weekly Standard, and from this piece I will quote extensively. In the piece, J. Bottum wrote:

On Thursday, October 5, it was revealed that biotechnology researchers had successfully created a hybrid of a human being and a pig. A man-pig. A pig-man. The reality is so unspeakable, the words themselves don't want to go together.

Extracting the nuclei of cells from a human fetus and inserting them into a pig's egg cells, scientists from an Australian company called Stem Cell Sciences and an American company called Biotransplant grew two of the pig-men to 32-cell embryos before destroying them. The embryos would have grown further, the scientists admitted, if they had been implanted in the womb of either a sow or a woman. Either a sow or a woman. A woman or a sow.

There has been some suggestion from the creators that their purpose in designing this human pig is to build a new race of subhuman creatures for scientific and medical use. . . .

But what difference does it make whether the researchers' intention is to create subhumans or superhumans? Either they want to make a race of slaves, or they want to make a race of masters. And either way, it means the end of our humanity.

You can't say we weren't warned. This is the island of Dr. Moreau. This is the brave new world. This is Dr. Frankenstein's chamber. This is Dr. Jekyll's room. This is Satan's Pandemonium, the city of self-destruction the rebel angels wrought in their all-consuming pride.

But now that it has actually come—manifest, inescapable, real—there don't seem to be words that can describe its horror sufficiently to halt it. May God have mercy on us, for our modern Dr. Moreaus—our proud biotechnicians, our most advanced genetic scientists—have already announced that they will have no mercy.

It's true that Stem Cell Sciences and Biotransplant have now, under the weight of adverse publicity, decided to withdraw their European patent application and modify their American application. But they made no promise to stop their investigations into the procedure. We simply have to rely upon their sense of what is, as Mountford put it, ''ethically immoral''—a sense sufficiently attenuated that they could undertake the design of the pig-man in the first place. The elimination of the human race has loomed into clear sight at last.

It used to be that even the imagination of this sort of thing existed only to underscore a moral in a story. . . . But we live at a moment in which British newspapers can report on 19 families who have created test-tube babies solely for the purpose of serving as tissue donors for their relatives—some brought to birth, some merely harvested as embryos and fetuses. A moment in which Harper's Bazaar can advise women to keep their faces unwrinkled by having themselves injected with fat culled from human cadavers. A moment in which the Australian philosopher Peter Singer can receive a chair at Princeton University for advocating the destruction of infants after birth if their lives are likely to be a burden. A moment in which the brains of late-term aborted babies can be vacuumed out and gleaned for stem cells.

In the midst of all this, the creation of a human-pig arrives like a thing expected. We have reached the logical end, at last. We have become the people that, once upon a time, our ancestors used fairy tales to warn their children against—and we will reap exactly the consequences those tales foretold.

This was a grim philosophical essay, but the questions that it poses are worth reflecting upon—even if those questions make us cringe.

Will society exercise some responsibility, or will it be led, mindlessly going wherever the mad scientists want to go? Every week, it seems that there are new developments. Yesterday, the science journal Nature published an article on advances in cloning technology using monkeys. This is a slightly different issue than human-animal hybrids, but it further illustrates the rapid changes, developments, and surprises occurring in science. Such developments must be harnessed by society and directed toward good and ethical ends; and if the developments cannot be directed to good ends, then they should be abandoned to the scrap heap of morally bankrupt ideas. If we neglect to direct our course, we will be led to the brink of destruction.

I am more optimistic than the tone embodied in the Weekly Standard essay. I believe in the goodness of the American people and their elected representatives. I think that we can rise to the challenge to ensure that the marvels of science are properly channeled to serve humanity and human dignity.

Consideration and passage of the ''Human-Animal Hybrid Prohibition Act,'' which we introduce today, would be a wonderful step in the right direction.

Ms. LANDRIEU. Mr. President, I rise today to join with my colleague Senator BROWNBACK of Kansas as a cosponsor of S. 2358, the Human-Animal Hybrid Prohibition Act. As stem cell research has progressed in recent years, Federal law has remained troublingly silent over its proliferation. This bill would place a ban on the creation, transfer, or transportation of a human-animal hybrid. Human-animal hybrids are defined as: a human embryo into which animal cells or genes are introduced, making its humanity uncertain; a hybrid embryo created by fertilizing a human egg with non-human sperm; a hybrid embryo created by fertilizing a non-human egg with human sperm; a hybrid embryo created by introducing a non-human nucleus into a human egg; a hybrid embryo created by introducing a non-human egg with human sperm; an embryo containing mixed sets of chromosomes from both a human and animal; an animal with human reproductive organs; an animal with a whole or predominantly human brain.

In August of 2001, President Bush issued an executive order, allowing for Federal funding for stem cell research on the then-existing stem cell lines. In November of that same year, he appointed a council to monitor stem cell research, to recommend appropriate guidelines and regulations, and to consider all of the medical and ethical ramifications of biomedical innovation. To date, this council has issued numerous reports on the bioethics issues involved in stem cell research.

Meanwhile, the scientific community has moved forward in its research. Just this morning, researchers from Oregon announced that they successfully used cloning to produce monkey embryos and then extract stem cells from the embryos. The National Academies of Science released guidelines for human embryonic stem cell research in 2005 and again in 2007. Everyday we, as Members of Congress, are faced with a fundamental question: How far we should go in the name of science?

There is no doubt that embryonic stem cell research holds the promise of curing diseases such as Parkinson's, diabetes, Alzheimer's and cancer. Even President Bush stressed the importance of federally-funded research in approving the original stem cell lines in 2001—he explicitly stated that Federal dollars help attract the best and brightest scientists and help ensure that new discoveries are widely shared at the largest number of research facilities.

Federal funding not only allows us to encourage and financially support this research, it allows us to use the power of the purse to be sure it is done in the most safe and ethical way possible. I support Federal funding for embryonic stem cell research provided that the embryos used in these studies are those that are in excess from the fertility process and are knowingly donated for this purpose. I have met with many constituents suffering from life altering and fatal diseases and they have told me the impact that this research may have on their lives.

But what Senator BROWNBACK and I come forward with today is not about stem cell research with existing embryos. This is about a practice that has far-reaching ethical implications and brings into question our notion of humanity. Scientists have begun experimenting with injecting human neural stem cells into the brain of an animal. They are looking to insert a human nucleus into the egg of an animal and vice versa. They are looking to fertilize human eggs with non-human sperm and vice versa. They are on the verge of creating human-animal hybrids that truly blur the line between species. While the stated purpose may be a noble one—to advance medical research—the outcome is deplorable. At what point is scientific research going too far?

We believe we have reached that point. Creating human-animal hybrids opens the door to a host of concerns. It is a violation of basic human dignity. It also has the potential to threaten human health by introducing infections from animal populations.

The human body is not a product to be mass produced and stripped for parts, even in the earliest stages of its development. Assembly lines, patents, and warehouses are appropriate terms when talking about cars or computers, but not people. If we allow the creation of human-animal hybrids for research purposes, the end result will be a system of ''hatcheries'' where such ambiguous embryos are grown in mass. We hold a certain value for the uniqueness of humans. To challenge that in the name of science will have consequences we cannot begin to predict or understand.

A ban on this procedure helps to redirect science to equally promising areas. In addition, such a ban does not ban cloning and nuclear transfer techniques for the production of DNA, molecules, cells other than human embryos, tissues, organs, plants and animals. The type of ban that I support does nothing to restrict the vast majority of medical advancements that have and will continue to pave the way for potential cures for diseases such as Parkinson's, diabetes, spinal cord injuries, and cancer.

But as elected officials, we must take action on matters of such grave importance. Our legislative leadership is badly needed in this area. For this reason, I ask for your support for the Human-Animal Hybrid Prohibition Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. WYDEN, Mr. OBAMA, and Mr. BINGAMAN):

S. 2369. A bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes; to the Committee on the Judiciary.

Mr. BAUCUS. Mr. President, I am pleased to join with my Colleague Senator GRASSLEY in introducing legislation to provide that certain tax planning inventions cannot be patented.

America's patent system promotes innovation and competitiveness in all industries.

Article 1, section 8 of the Constitution authorized Congress to establish a patent system. That system is meant to protect inventors and promote the progress of science and ''useful arts.'' Today, we refer to this as technological innovation.

In the Patent Act of 1793, Congress enacted a broad definition for inventions that can be patented. But conditions were included. The definition for what could be patented in 1793 is remarkably similar to the definition in the United States Code today. And not every process or discovery is patentable.

In 17th century England, the Crown would grant a monopoly over a particular business line. Peter Meinhardt, in his book, ''Inventions, Patents and Monopoly,'' described these ''letters-patent'' that provided exclusive manufacturing rights as enriching ''the grantee at the expense of the community.'' This is what our Founders and Congress sought to avoid.

Today, a number of attorneys and accountants have begun applying for and obtaining tax patents. These involve financial products, banking, estate and gift, and tax preparation software.

The U.S. Patent and Trademark Office has granted at least 60 of these tax patents. About 90 applications are pending.

I have heard from tax practitioners, including those in Montana, who fear that tax patents will impede their ability to provide advice to their clients. They are concerned that even obvious applications of the tax law may become protected by tax patents. They also tell me that some tax strategy patent applications appear to be for tax shelters and other tax-motivated transactions.

The Treasury is also concerned about patent protection for tax planning methods. In September, Treasury issued proposed regulations requiring the disclosure of transactions that use a patented tax strategy.

While this is a step in the right direction, these rules do not go far enough to fix the real problem.

A taxpayer shouldn't be in the position of choosing to file a return and pay a patent holder a fee for using a tax strategy in the return. No one should have to pay a toll charge to comply with the tax laws.

They also should not have to conduct a due diligence check every time that they comply with the tax laws to see if they are infringing a tax patent.

As I understand it, a taxpayer might use a tax strategy based on advice from a tax practitioner. The practitioner would prepare and file a tax return using the patented strategy. The tax practitioner's advice, the taxpayer's use of the transaction, and the preparation and filing of the tax return could all be considered patent infringement.

These tax patents can also create traps for the unwary. If taxpayers used a patented strategy, not knowing that it is not permitted under the Internal Revenue Code, they could be subject to additional taxes, penalties and interest.

Congress has previously enacted laws to limit what can be patented. Limiting patentability for tax patents is another situation where Congress must act.

I introduce our bill today with Senator GRASSLEY. There are a number of cosponsors from both sides of the aisle.

It would provide that the Patent Trademark Office could not issue patents for tax planning inventions.

Tax planning inventions are generally tax plans, strategies, techniques, schemes, processes, or systems that are designed to reduce, minimize, avoid, or defer a taxpayer's Federal or State tax liability.

There is an important exception. This change would not affect the use of tax preparation software to help practitioners and taxpayers prepare tax or information returns.

Title 26 of the U.S. Code contains the Internal Revenue Code, a public law that is available to everyone. No one should have the capability to monopolize the tax law through the patenting of tax strategies. This is why I believe that these tax planning inventions should not be granted patent protection.

I urge my colleagues to join us in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill and an analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX PLANNING INVENTIONS NOT PATENTABLE.

(a) IN GENERAL.—Section 101 of title 35, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) Patentable Inventions.—Whoever'', and

(2) by adding at the end the following:

''(b) TAX PLANNING INVENTIONS.—

''(1) UNPATENTABLE SUBJECT MATTER.—A patent may not be obtained for a tax planning invention.

''(2) DEFINITIONS.—For purposes of paragraph (1)—

''(A) the term 'tax planning invention' means a plan, strategy, technique, scheme, process, or system that is designed to reduce, minimize, avoid, or defer, or has, when implemented, the effect of reducing, minimizing, avoiding, or deferring, a taxpayer's tax liability or is designed to facilitate compliance with tax laws, but does not include tax preparation software and other tools or systems used solely to prepare tax or information returns,

''(B) the term 'taxpayer' means an individual, entity, or other person (as defined in section 7701 of the Internal Revenue Code of 1986),

''(C) the terms 'tax', 'tax laws', 'tax liability', and 'taxation' refer to any Federal, State, county, city, municipality, foreign, or other governmental levy, assessment, or imposition, whether measured by income, value, or otherwise, and

''(D) the term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) APPLICABILITY.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act,

(2) shall apply to any application for patent or application for a reissue patent that is—

(A) filed on or after the date of the enactment of this Act, or

(B) filed before that date if a patent or reissue patent has not been issued pursuant to the application as of that date, and

(3) shall not be construed as validating any patent issued before the date of the enactment of this Act for an invention described in section 101(b) of title 35, United States Code, as added by this section.

TAX PATIENTS

PRESENT LAW

Patents have increasingly been sought and issued for various tax-related inventions, including strategies for reducing a taxpayer's taxes.

In a 1998 case, State Street Bank, the U.S. Court of Appeals for the Federal Circuit (''Federal Circuit Court'') held that a method of doing business could be patented. The case involved a data processing system for a partnership structure of mutual funds that had advantageous tax consequences. The case has been considered a key decision allowing the patenting of business methods of all types. Since 1998, numerous tax-related patents have been issued or applied for, in some cases involving tax strategies less related to computer or other mechanical data processing systems. More recently, the Federal Circuit Court has indicated that some business methods are unpatentable.

The patents that have been granted or applied for have involved many aspects of the tax law, including financial products, charitable giving, estate planning, and tax deferred exchanges.

REASONS FOR CHANGE

Tax-related patents, if valid, remove from the public domain particular ways to satisfy a taxpayer's legal obligations. Tax-related inventions that have been patented cannot be practiced without the permission of the patent holder. Thus, a tax-related patent may have the effect of forcing or encouraging taxpayers to pay more tax than they would otherwise lawfully owe, either because taxpayers are not able to engage in a particular transaction or financial structure without the permission of the patent holder or because, if permission is granted, such permission requires payment of an undesirable charge. Taxpayers might seek other, more questionable alternatives to the patented invention in an attempt to avoid the scope of the patent. Unauthorized use of patented inventions may have adverse consequences for taxpayers or their advisers, who may face patent infringement suits for using, or suggesting use, of patented tax-related inventions. This could undermine uniform application of the tax laws, decrease public confidence in the nation's tax laws, and increase public dissatisfaction with tax laws if compliance must be accompanied by patent searches and licensing.

The availability of patent protection also could encourage, in a variety of ways, the

further development of aggressive tax shelter transactions or of transactions that do not achieve the expected tax results. For example, tax-related inventions do not necessarily have to deliver their claimed tax benefits to be eligible for a patent; yet strategies or methods that do not achieve the intended tax result might be marketed as ''legitimate'' based on the existence of a patent.

Finally, the creativity and ingenuity reflected in many tax planning techniques developed over the years without patent protection suggests that even without such protection there are sufficient incentives for tax planning innovation.

EXPLANATION OF PROVISION

Under the provision, a patent may not be obtained for a tax planning invention.

A tax planning invention means a plan, strategy, technique, scheme, process, or system that is designed to reduce, minimize, avoid, or defer, or has, when implemented, the effect of reducing, minimizing, avoiding, or deferring, a taxpayer's tax liability, or is designed to facilitate compliance with tax laws, but does not include tax preparation software and other tools or systems used solely to prepare tax or information returns.

The term ''taxpayer'' is defined as an individual, entity, or other person (as defined in section 7701 of the Internal Revenue Code of 1986).

The terms ''tax,'' ''tax laws,'' ''tax liability,'' and ''taxation'' refer to any Federal, State, county, city, municipality, foreign, or other governmental levy, assessment, or imposition, whether measured by income, value, or otherwise.

The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

No inference is intended as to whether any business method, including any tax-related invention, is otherwise patentable under present law, or as to whether any software is entitled under present law to patent protection as distinct from copyright protection.

EFFECTIVE DATE

The provision takes effect on the date of enactment.

The provision shall apply to any application for a patent or application for a reissue patent that is (a) filed on or after such date of enactment; or (b) filed before such date if a patent or reissue patent has not been issued pursuant to the application as of that date.

The provision shall not be construed as validating any patent issued before the date of enactment for an invention described in section 101(b) of title 35, United States Code, as amended by this section.

Mr. GRASSLEY. Mr. President, this legislation that Senator BAUCUS and I are introducing changes the current rules governing tax patents. Recently, the U.S. Patent and Trademark Office, PTO, has allowed the patenting of tax strategies. Because of the serious policy concerns about this practice, our legislation would make tax strategies an unpatentable subject matter.

Tax patents are a relatively recent phenomenon. The rise of these patents can be traced back to the 1998 opinion of the Federal Circuit in State Street Bank v. Signature Financial Group that rejected a per se rule that business methods could not be patented.

As of September 2007, the U.S. Patent and Trademark Office had identified 60 issued tax related patents, with another 99 published tax patent applications pending. The recent growth of these patents, coupled with their deleterious effect on the tax system, necessitates legislative action in this area.

Tax patents undermine the integrity and fairness of the Federal tax system. They place taxpayers in the undesirable position of having to choose between paying more than legally required in taxes or paying a royalty to a third party for use of a tax planning invention that reduces those taxes.

A patent holder can preclude others from using their tax strategy. This may result in taxpayers paying more in taxes than is otherwise legally required. An exclusive proprietary right should not be granted for methods of compliance with the tax law, which is obligatory for all.

The patentability of tax strategies also adds another layer of complexity to the tax laws by requiring patent searches and potential exposure to patent infringement suits.

This legislation contains a general prohibition on ''tax planning inventions,'' with an exception for tax preparation software and other tools or systems used solely to prepare tax or information returns.

I hope that we can move this legislation quickly. The House has already included a version of prohibiting tax strategy patents in their comprehensive patent reform bill. The Senate should act as well.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2370. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act with my colleague Senator DOMENICI. A slightly different version of this bill passed the Senate during the 107th, 108th, and 109th Congress. We are introducing this legislation again in hopes of assisting the City of Albuquerque, New Mexico clear title to several parcels of land located along the Rio Grande. If title is cleared, the city will be free to proceed with plans to improve the properties as part of a biological park project, a city funded initiative to create a premier environmental educational center for its citizens and the entire State of New Mexico.

The biological park project has been in the works since 1987 when the city began to develop an aquarium and botanic garden along the banks of the Rio Grande. Those facilities constitute just a portion of the overall project. As part of this effort, in 1997, the city purchased two properties from the Middle Rio Grande Conservancy District, MRGCD, for $3,875,000. The first property, Tingley Beach, had been leased by the city from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, had been leased by the city since 1963, and also used for public park purposes.

In the year 2000, the city's plans were interrupted when the U.S. Bureau of Reclamation asserted that in 1953, it had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project. The United States assertion called into question the validity of the 1997 transaction between the city and MRGCD. Both MRGCD and the city dispute the United States' claim of ownership.

This dispute is unnecessarily complicating the city's progress in developing the biological park project. If the matter is left to litigation, the delay will be indefinite. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. In fact, the record indicates that Reclamation once considered releasing its interest in the properties for $1.00 each. Obviously, the Federal interest in these properties is low while the local interest is high. This bill is tailored to address this local interest by disclaiming any Federal interest in the two properties at issue. To avoid future complications, the bill also disclaims any Federal interest in several other parcels associated with the BioPark. The general dispute concerning title to Middle Rio Grande Project works is left for the courts to decide.

I hope my colleagues will work with me to resolve this issue. This bill represents a simple solution to a local problem caused by Federal action. I urge my colleagues to once again support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Albuquerque Biological Park Title Clarification Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term ''BioPark Parcels'' means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated

on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B–1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B–1 and B–2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A–1–A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(b) TIMING.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99–CV–01320–JAP–RHS, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2374. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today we are pleased to introduce the Tax Technical Corrections Act of 2007. Technical corrections measures are routine for major tax acts, and are necessary to ensure that the provisions of the acts are working consistently with congressional intent, or to provide clerical corrections. Because these measures carry out congressional intent, no revenue gain or loss is scored from them.

Mr. GRASSLEY. Technical corrections are derived from a deliberative and consultative process among the Congressional and Administration tax staffs. That means the Republican and Democratic staffs of the House Ways and Means and Senate Finance Committees are involved, as is the staff of the Treasury Department. All of this work is performed with the participation and guidance of the nonpartisan staff of the Joint Committee on Taxation. A technical enters the list only if all staffs agree it is appropriate.

Mr. BAUCUS. By filing this bill, we hope interested parties and practitioners will comment and provide direction on further edits, additions, or deletions. These comments should be submitted in a timely manner. It is our hope that we can move this package of technicals in December if possible.

Mr. President, I ask consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Technical Corrections Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

SEC. 2. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(i) $5,000,

''(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

''(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 3. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking ''related'' and inserting ''substantial and related''.

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

''(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).''.

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting ''a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g)),'' before ''or a gross valuation misstatement''.

(2) Paragraph (1) of section 6696(d) is amended by striking ''or under section 6695'' and inserting '', section 6695, or 6695A''.

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

''(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.''.

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking ''INFORMATION'' in the heading, and

(B) by adding at the end the following: ''Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.''.

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

''(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),''.

(3) Paragraph (2) of section 6104(d) is amended by striking ''section 6033'' and inserting ''section 6011 or 6033''.

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking ''or D'' and inserting ''D, or G''.

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking ''paragraph (1), (2), or (4) of section 509(a)'' and inserting ''subparagraph (C)(ii)''.

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

''(ii) EXCEPTION.—Such term shall not include—

''(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

''(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 4. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.''.

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Paragraph (3) of section 355(b) is amended to read as follows:

''(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

''(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.''.

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

''(f) DETERMINATION OF TAX LIABILITY.—

''(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

''(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

''(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

''(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

''(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

''(2) TREATMENT OF ORDINARY LOSS.—

''(A) REGULAR TAX.—If, for any taxable year, a taxpayer's net capital gain exceeds taxable income, in determining the tax under paragraph (1)(A)(ii)—

''(i) there shall be treated as adjusted net capital gain the lesser of—

''(I) the adjusted net capital gain (determined without regard to this paragraph), or

''(II) the amount of such excess,

''(ii) there shall be treated as unrecaptured section 1250 gain the lesser of—

''(I) the unrecaptured section 1250 gain (determined without regard to this paragraph), or

''(II) the amount of such excess reduced by adjusted net capital gain (as determined under clause (i)), and

''(iii) there shall be treated as 28-percent rate gain the amount of such excess reduced by the sum of—

''(I) the amount treated as adjusted net capital gain under clause (i), and

''(II) the amount treated as unrecaptured section 1250 gain under clause (ii).

''(B) ALTERNATIVE MINIMUM TAX.—The rules of subparagraph (A) shall apply for purposes of determining the amount under paragraph (1)(B)(ii), except that such subparagraph shall be applied by substituting 'taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income'.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 5. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting ''or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))'' after ''section 6426'' in subparagraph (A),

(B) by inserting ''or (e)(2)'' after ''subsection (e)(1)'' in subparagraphs (A)(i) and (B), and

(C) by striking ''ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT'' and inserting ''MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT'' in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(3) Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 6. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

''(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.''.

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—''.

(2) Subsection (c) of section 30C is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(B) Any mixture—

''(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.''.

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting ''for energy research'' before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

''(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.''.

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: ''No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

''(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking ''(other than with respect to any sale for export under paragraph (3) thereof)'', and

(ii) by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(B) Section 4082 is amended—

(i) by striking ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

''(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(C) Subsection (e) of section 4082 is amended—

(i) by striking ''an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero.'' and inserting ''an aircraft—

''(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

''(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero.''; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

''(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

''(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

''(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).''.

(3) Paragraph (5) of section 4041(d) is amended by inserting ''(b)(1)(A),'' after ''subsections''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 7. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENT RELATED TO SECTION 248 OF THE ACT.—Subsection (a) of section 1355 is amended by adding at the end the following new paragraph:

''(8) PUERTO RICO TREATED AS PART OF DOMESTIC TRADE.—For purposes of paragraphs (6) and (7), Puerto Rico shall be treated as a place in the United States and not as a foreign place.''.

(b) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

''(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).''.

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.''.

(B) Subsection (m) of section 6501 is amended by inserting ''45H(g),'' after ''45C(d)(4),''.

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking ''qualified capital costs'' and inserting ''qualified costs''.

(B) The heading of paragraph (2) of section 45H(c) is amended by striking ''CAPITAL''.

(C) Subsection (a) of section 179B is amended by inserting ''and which are properly chargeable to capital account'' before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking ''which is segregated from other waste materials and''.

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting ''and'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(d) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

''(2) TAX-EXEMPT USE PROPERTY.—

''(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

''(i) without regard to paragraphs (1)(C) and (3) thereof, and

''(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

''(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

''(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).''.

(2) Subparagraph (A) of section 470(d)(1) is amended by striking ''(at any time during the lease term)'' and inserting ''(at all times during the lease term)''.

(e) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

''(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

''(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and''.

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

''A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.''.

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking ''identified positions'' in clause (i) and inserting ''positions'',

(ii) by striking ''identified position'' in clause (ii) and inserting ''position'', and

(iii) by striking ''identified offsetting positions'' in clause (ii) and inserting ''offsetting positions''.

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking ''identified offsetting position'' and inserting ''offsetting position''.

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

''(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.''.

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting ''the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii),'' before ''and the ordering rules''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act .

SEC. 8. AMENDMENT RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENT RELATED TO SECTION 302 OF THE ACT.—Clause (ii) of section 1(h)(11)(B) is amended by striking ''and'' at the end of subclause (II), by striking the period at the end of subclause (III) and inserting '', and'', and by adding at the end the following new subclause:

''(IV) any dividend received from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is paid out of the corporation's accumulated DISC income or is a deemed distribution pursuant to section 995(b)(1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after December 31, 2007, in taxable years ending after such date.

SEC. 9. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking ''for prior taxable years'' and inserting ''permitted for prior taxable years by reason of this paragraph''.

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting ''or consisting of designated Roth contributions (as defined in section 402A(c))'' before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 10. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking ''placed in service by the taxpayer'' and inserting ''originally placed in service''.

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

''(ii) LODGING FACILITY.—The term 'lodging facility' means a—

''(I) hotel,

''(II) motel, or

''(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 11. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting ''and related background file documents'' after ''Chief Counsel advice'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 12. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking ''section 152(e)(3)(A)'' in the flush matter after subparagraph (B) and inserting ''section 152(e)(4)(A)''.

(2) Paragraph (3) of section 25C(c) is amended by striking ''section 3280'' and inserting ''part 3280''.

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

''(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

''(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),''.

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking ''with respect to gasoline used during the taxable year on a farm for farming purposes'',

(B) in paragraph (2), by striking ''with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service'', and

(C) in paragraph (3), by striking ''with respect to fuels used for nontaxable purposes or resold during the taxable year''.

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking ''paragraph (2) or (4) of'', and

(B) by striking ''(within the meaning of section 152(e)(1))'' and inserting ''(as defined in section 152(e)(4)(A))''.

(6) Subsection (b) of section 38 is amended—

(A) by striking ''and'' each place it appears at the end of any paragraph,

(B) by striking ''plus'' each place it appears at the end of any paragraph, and

(C) by inserting ''plus'' at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking ''section 3280'' and inserting ''part 3280''.

(8) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(9) Clause (ii) of section 48A(d)(4)(B) is amended by striking ''subsection'' both places it appears.

(10)(A) Paragraph (9) of section 121(d) is amended by adding at the end the following new subparagraph:

''(E) TERMINATION WITH RESPECT TO EMPLOYEES OF INTELLIGENCE COMMUNITY.—Clause (iii) of subparagraph (A) shall not apply with respect to any sale or exchange after December 31, 2010.''.

(B) Subsection (e) of section 417 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking ''and before January 1, 2011''.

(11) The last sentence of section 125(b)(2) is amended by striking ''last sentence'' and inserting ''second sentence''.

(12) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking ''section 263A(j)(2)'' and inserting ''section 263A(i)(2)''.

(13)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking ''subparagraph (E)'' and inserting ''subparagraph (F)''.

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(1)(F)''.

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''.

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking ''section 170(b)(1)(E)(ii)'' and inserting ''section 170(b)(1)(F)(ii)''.

(14) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting '', but without regard to clause (ii) thereof'' after ''paragraph (7)(C)''.

(15)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking ''all interest in the property is'' and inserting ''all interests in the property are''.

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 3(d)(2)), are each amended—

(i) by striking ''interest'' and inserting ''interests'', and

(ii) by striking ''before'' and inserting ''on or before''.

(16)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

''(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.''.

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

''(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.''.

(17) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.''.

(18) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

''(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

''(i) IN GENERAL.—Net income from notional principal contracts.

''(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.''.

(19) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(20) Paragraph (33) of section 1016(a), as redesignated by section 7(b)(1)(C), is amended by striking ''section 25C(e)'' and inserting ''section 25C(f)''.

(21) Paragraph (36) of section 1016(a), as redesignated by section 7(b)(1)(C), is amended by striking ''section 30C(f)'' and inserting ''section 30C(e)(1)''.

(22) Subparagraph (G) of section 1260(c)(2) is amended by adding ''and'' at the end.

(23)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking ''subsection (e)'' and inserting ''subsection (d)''.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking ''Section 1297(e)'' and inserting ''Section 1297(d)''.

(24) Paragraph (1) of section 1362(f) is amended—

(A) by striking '', section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)'' and inserting ''or section 1361(b)(3)(B)(ii)'', and

(B) by striking '', section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)'' in subparagraph (B) and inserting ''or section 1361(b)(3)(C)''.

(25) Paragraph (2) of section 1400O is amended by striking ''under of'' and inserting ''under''.

(26) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400T. Special rules for mortgage revenue bonds.''.

(27) Subsection (b) of section 4082 is amended to read as follows:

''(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

''(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

''(2) any use in a train, and

''(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).''.

(28) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(29) Paragraph (6) of section 4965(c) is amended by striking ''section 4457(e)(1)(A)'' and inserting ''section 457(e)(1)(A)''.

(30) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(31) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking ''this subpart'' and inserting ''this subchapter''.

(32) Subsection (b) of section 6046 is amended—

(A) by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)'', and

(B) by striking ''paragraph (2) or (3) of subsection (a)'' and inserting ''subparagraph (B) or (C) of subsection (a)(1)''.

(33)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking ''the Canal Zone,''.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(34) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 34'' and inserting ''34, and 35''.

(35) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking ''section 6013(e)'' and inserting ''section 6015''.

(36) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(37) Clause (ii) of section 6427(l)(4)(A) is amended by striking ''section 4081(a)(2)(iii)'' and inserting ''section 4081(a)(2)(A)(iii)''.

(38)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(39) Subparagraph (C) of section 6707A(e)(2) is amended by striking ''section 6662A(e)(2)(C)'' and inserting ''section 6662A(e)(2)(B)''.

(40)(A) Paragraph (3) of section 9002 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(B) Paragraph (1) of section 9004(a) is amended by striking ''section 320(b)(1)(B)'' and inserting ''section 315(b)(1)(B)''.

(C) Paragraph (3) of section 9032 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(D) Subsection (b) of section 9034 is amended by striking ''section 320(b)(1)(A)'' and inserting ''section 315(b)(1)(A)''.

(41) Section 9006 is amended by striking ''Comptroller General'' each place it appears and inserting ''Commission''.

(42) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(43) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking ''shall take effect of the date of the enactment'' and inserting ''shall take effect on the date of the enactment''.

(44) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking ''enzymatic''.

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting ''or (h)(1)'' after ''section 6050H(a)''.

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting ''or (h)(2)'' after ''section 6050H(d)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking ''the excess (if any) of'' in the matter preceding clause (i) and inserting ''the greater of'', and

(B) by striking ''section'' in clause (ii)(II) and inserting ''section 32''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking ''ultimate vendor'' and all that follows through ''has certified'' and inserting ''ultimate vendor or credit card issuer has certified'', and

(B) by striking ''all ultimate purchasers of the vendor'' and all that follows through ''are certified'' and inserting ''all ultimate purchasers of the vendor or credit card issuer are certified''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(36), is amended by striking ''2006'' and inserting ''2008''.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking ''qualified research expenses and basic research payments'' and inserting ''qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(2) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking ''a controlled group'' and inserting ''an affiliated group''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking ''921'' and inserting ''921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking ''a cooperative described in section 927(a)(4)'' and inserting ''an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products''.

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

''(C) FSC.—The term 'FSC' has the meaning given such term by section 922.''.

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

''(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(5) Paragraph (4) of section 275(a) is amended by striking ''if'' and all that follows and inserting ''if the taxpayer chooses to take to any extent the benefits of section 901.''.

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(7)(A) Paragraph (4) of section 441(b) is amended by striking ''FSC or''.

(B) Subsection (h) of section 441 is amended—

(i) by striking ''FSC or'' each place it appears, and

(ii) by striking ''FSC'S AND'' in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma ''(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting ''and'' at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking ''a FSC (or a former FSC)'' in subclause (II) (as so redesignated) and inserting ''a former FSC (as defined in section 922)'', and

(C) by adding at the end the following:

''Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking ''FSC or''.

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking ''subparagraphs (J), (K), and (L)'' in the flush sentence at the end and inserting ''subparagraphs (I), (J), and (K)''.

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking ''section 956(c)(2)(J)'' and inserting ''section 956(c)(2)(I)''.

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting ''and'' at the end of subparagraph (C), and by striking '', and'' at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting ''(as defined in section 922)'' after ''a FSC'', and

(B) by adding at the end the following new sentence: ''Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking ''foreign trade income of a FSC or''.

(19)(A) Paragraph (1) of section 6011(c) is amended by striking ''or former DISC or a FSC or former FSC'' and inserting '', former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(B) Subsection (c) of section 6011 is amended by striking ''AND FSC'S'' in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking ''a FSC or former FSC'' and inserting ''a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(21) Section 6686 is amended by inserting ''FORMER'' before ''FSC'' in the heading thereof.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 383—HONORING AND RECOGNIZING THE ACHIEVEMENTS OF CARL STOKES, THE FIRST AFRICAN-AMERICAN MAYOR OF A MAJOR AMERICAN CITY, IN THE 40TH YEAR SINCE HIS ELECTION AS MAYOR OF CLEVELAND, OHIO

Mr. REID (for Mr. OBAMA (for himself, Mr. BROWN, and Mr. VOINOVICH)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 383

Whereas Carl Stokes was a pioneer in cultivating a positive climate for African-Americans to seek election to public office and made great strides toward improving race relations in a tumultuous period of United States history;

Whereas Carl Stokes was born on June 27, 1927, in Cleveland, Ohio to Charles and Louise Stokes;

Whereas Carl Stokes rose from poverty in Outhwaite Homes, Cleveland's first federally funded housing project for the poor, to be elected to the highest political office in Cleveland;

Whereas Carl Stokes earned his bachelor's degree from the University of Minnesota in 1954 and graduated from the Cleveland-Marshall College of Law in 1956, and was admitted to the Ohio State Bar in 1957;

Whereas, in 1962, Carl Stokes was elected to the Ohio General Assembly and served 3 terms as the first African-American Democrat to serve from Cuyahoga County;

Whereas, in 1967, relying on his ability to mobilize support that transcended racial divides, Carl Stokes was elected Mayor of Cleveland and became the first African-American mayor of a major American city;

Whereas, after declining to run for a 3rd term as Mayor of Cleveland, Carl Stokes became the first African-American to appear