

Senate Bill Navigator

Welcome to Davis Polk's Senate Bill Navigator. We hope you find this to be a useful resource in examining and understanding this new reform proposal.

To help our clients and friends stay further abreast of tax-related developments, we have also launched [Tax Reform and Transition](#), a Davis Polk blog devoted to coverage of and perspective on the evolving tax policies of the new administration and the 115th Congress.

Senate Bill (Passed Senate on Dec. 1, 2017)		
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In the Senate of the United States,

December 2 (legislative day, December 1), 2017.

Resolved, That the bill from the House of Representatives (H.R. 1) entitled “An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.”, do pass with the following

AMENDMENT:

Strike all after the first word and insert the following:

- 1 ***TITLE***
2 ***TITLE I***
3 ***SEC. 11000. SHORT TITLE, ETC.***
4 *(a) SHORT TITLE.—This title may be cited as the*
5 *“Tax Cuts and Jobs Act”.*
6 *(b) AMENDMENT OF 1986 CODE.—Except as otherwise*
7 *expressly provided, whenever in this title an amendment*
8 *or repeal is expressed in terms of an amendment to, or re-*
9 *peal of, a section or other provision, the reference shall be*

1 considered to be made to a section or other provision of the
2 Internal Revenue Code of 1986.

3 **Subtitle A—Individual Tax Reform**

4 **PART I—TAX RATE REFORM**

5 **SEC. 11001. MODIFICATION OF RATES.**

6 (a) IN GENERAL.—Section 1 is amended by adding
7 at the end the following new subsection:

8 “(j) MODIFICATIONS FOR TAXABLE YEARS 2018
9 THROUGH 2025.—

10 “(1) IN GENERAL.—In the case of a taxable year
11 beginning after December 31, 2017, and before Janu-
12 ary 1, 2026—

13 “(A) subsection (i) shall not apply, and
14 “(B) this section (other than subsection (i))
15 shall be applied as provided in paragraphs (2)
16 through (7).

17 “(2) RATE TABLES.—

18 “(A) MARRIED INDIVIDUALS FILING JOINT
19 RETURNS AND SURVIVING SPOUSES.—The fol-
20 lowing table shall be applied in lieu of the table
21 contained in subsection (a):

“If taxable income is:

The tax is:

Not over \$19,050	10% of taxable income.
Over \$19,050 but not over \$77,400	\$1,905, plus 12% of the excess over \$19,050.
Over \$77,400 but not over \$140,000	\$8,907, plus 22% of the excess over \$77,400.
Over \$140,000 but not over \$320,000	\$22,679, plus 24% of the excess over \$140,000.

“If taxable income is:	The tax is:
Over \$320,000 but not over \$400,000	\$65,879, plus 32% of the excess over \$320,000.
Over \$400,000 but not over \$1,000,000	\$91,479, plus 35% of the excess over \$400,000.
Over \$1,000,000	\$301,479, plus 38.5% of the excess over \$1,000,000.

1 “(B) *HEADS OF HOUSEHOLDS.*—The fol-
 2 lowing table shall be applied in lieu of the table
 3 contained in subsection (b):

“If taxable income is:	The tax is:
Not over \$13,600	10% of taxable income.
Over \$13,600 but not over \$51,800	\$1,360, plus 12% of the excess over \$13,600.
Over \$51,800 but not over \$70,000	\$5,944, plus 22% of the excess over \$51,800.
Over \$70,000 but not over \$160,000	\$9,948, plus 24% of the excess over \$70,000.
Over \$160,000 but not over \$200,000	\$31,548, plus 32% of the excess over \$160,000.
Over \$200,000 but not over \$500,000	\$44,348, plus 35% of the excess over \$200,000.
Over \$500,000	\$149,348, plus 38.5% of the excess over \$500,000.

4 “(C) *UNMARRIED INDIVIDUALS OTHER*
 5 *THAN SURVIVING SPOUSES AND HEADS OF*
 6 *HOUSEHOLDS.*—The following table shall be ap-
 7 plied in lieu of the table contained in subsection
 8 (c):

“If taxable income is:	The tax is:
Not over \$9,525	10% of taxable income.
Over \$9,525 but not over \$38,700	\$952.50, plus 12% of the excess over \$9,525.
Over \$38,700 but not over \$70,000	\$4,453.50, plus 22% of the excess over \$38,700.
Over \$70,000 but not over \$160,000	\$11,339.50, plus 24% of the excess over \$70,000.
Over \$160,000 but not over \$200,000	\$32,939.50, plus 32% of the excess over \$160,000.

“If taxable income is:**The tax is:**

Over \$200,000 but not over \$500,000	\$45,739.50, plus 35% of the excess over \$200,000.
Over \$500,000	\$150,739.50, plus 38.5% of the excess over \$500,000.

1 “(D) *MARRIED INDIVIDUALS FILING SEPA-*
2 *RATE RETURNS.—The following table shall be*
3 *applied in lieu of the table contained in sub-*
4 *section (d):*

“If taxable income is:**The tax is:**

Not over \$9,525	10% of taxable income.
Over \$9,525 but not over \$38,700	\$952.50, plus 12% of the excess over \$9,525.
Over \$38,700 but not over \$70,000	\$4,453.50, plus 22% of the excess over \$38,700.
Over \$70,000 but not over \$160,000	\$11,339.50, plus 24% of the excess over \$70,000.
Over \$160,000 but not over \$200,000	\$32,939.50, plus 32% of the excess over \$160,000.
Over \$200,000 but not over \$500,000	\$45,739.50, plus 35% of the excess over \$200,000.
Over \$500,000	\$150,739.50, plus 38.5% of the excess over \$500,000.

5 “(E) *ESTATES AND TRUSTS.—The following*
6 *table shall be applied in lieu of the table con-*
7 *tained in subsection (e):*

“If taxable income is:**The tax is:**

Not over \$2,550	10% of taxable income.
Over \$2,550 but not over \$9,150	\$255, plus 24% of the excess over \$2,550.
Over \$9,150 but not over \$12,500	\$1,839, plus 35% of the excess over \$9,150.
Over \$12,500	\$3,011.50, plus 38.5% of the excess over \$12,500.

8 “(F) *REFERENCES TO RATE TABLES.—Any*
9 *reference in this title to a rate of tax under sub-*

1 *section (c) shall be treated as a reference to the*
2 *corresponding rate bracket under subparagraph*
3 *(C) of this paragraph, except that the reference*
4 *in section 3402(q)(1) to the third lowest rate of*
5 *tax applicable under subsection (c) shall be treat-*
6 *ed as a reference to the fourth lowest rate of tax*
7 *under subparagraph (C).*

8 “(3) *ADJUSTMENTS.*—

9 “(A) *NO ADJUSTMENT IN 2018.*—*The tables*
10 *contained in paragraph (2) shall apply without*
11 *adjustment for taxable years beginning after De-*
12 *cember 31, 2017, and before January 1, 2019.*

13 “(B) *SUBSEQUENT YEARS.*—*For taxable*
14 *years beginning after December 31, 2018, the*
15 *Secretary shall prescribe tables which shall apply*
16 *in lieu of the tables contained in paragraph (2)*
17 *in the same manner as under paragraphs (1)*
18 *and (2) of subsection (f), except that in pre-*
19 *scribing such tables—*

20 “(i) *subsection (f)(3) shall be applied*
21 *by substituting ‘calendar year 2017’ for*
22 *‘calendar year 2016’ in subparagraph*
23 *(A)(ii) thereof,*

1 “(ii) subsection (f)(7)(B) shall apply to
2 any unmarried individual other than a sur-
3 viving spouse or head of household, and

4 “(iii) subsection (f)(8) shall not apply.

5 “(4) SPECIAL RULES FOR CERTAIN CHILDREN
6 WITH UNEARNED INCOME.—

7 “(A) IN GENERAL.—In the case of a child to
8 whom subsection (g) applies for the taxable year,
9 the rules of subparagraphs (B) and (C) shall
10 apply in lieu of the rule under subsection (g)(1).

11 “(B) MODIFICATIONS TO APPLICABLE RATE
12 BRACKETS.—In determining the amount of tax
13 imposed by this section for the taxable year on
14 a child described in subparagraph (A), the in-
15 come tax table otherwise applicable under this
16 subsection to the child shall be applied with the
17 following modifications:

18 “(i) 24-PERCENT BRACKET.—The max-
19 imum taxable income which is taxed at a
20 rate below 24 percent shall not be more than
21 the earned taxable income of such child.

22 “(ii) 35-PERCENT BRACKET.—The
23 maximum taxable income which is taxed at
24 a rate below 35 percent shall not be more
25 than the sum of—

1 “(I) the earned taxable income of
2 such child, plus

3 “(II) the minimum taxable in-
4 come for the 35-percent bracket in the
5 table under paragraph (2)(E) (as ad-
6 justed under paragraph (3)) for the
7 taxable year.

8 “(iii) 38.5-PERCENT BRACKET.—The
9 maximum taxable income which is taxed at
10 a rate below 38.5 percent shall not be more
11 than the sum of—

12 “(I) the earned taxable income of
13 such child, plus

14 “(II) the minimum taxable in-
15 come for the 38.5-percent bracket in the
16 table under paragraph (2)(E) (as ad-
17 justed under paragraph (3)) for the
18 taxable year.

19 “(C) COORDINATION WITH CAPITAL GAINS
20 RATES.—For purposes of applying section 1(h)
21 (after the modifications under paragraph (5))—

22 “(i) the maximum zero rate amount
23 shall not be more than the sum of—

24 “(I) the earned taxable income of
25 such child, plus

1 “(II) the amount in effect under
2 paragraph (5)(B)(i)(IV) for the taxable
3 year, and

4 “(ii) the maximum 15-percent rate
5 amount shall not be more than the sum of—

6 “(I) the earned taxable income of
7 such child, plus

8 “(II) the amount in effect under
9 paragraph (5)(B)(ii)(IV) for the tax-
10 able year.

11 “(D) *EARNED TAXABLE INCOME.*—For pur-
12 poses of this paragraph, the term ‘earned taxable
13 income’ means, with respect to any child for any
14 taxable year, the taxable income of such child re-
15 duced (but not below zero) by the net unearned
16 income (as defined in subsection (g)(4)) of such
17 child.

18 “(5) *APPLICATION OF CURRENT INCOME TAX*
19 *BRACKETS TO CAPITAL GAINS BRACKETS.*—

20 “(A) *IN GENERAL.*—Section 1(h)(1) shall be
21 applied—

22 “(i) by substituting ‘below the max-
23 imum zero rate amount’ for ‘which would
24 (without regard to this paragraph) be taxed

1 *at a rate below 25 percent*’ in subparagraph
2 *(B)(i), and*

3 “(ii) by substituting ‘below the max-
4 imum 15-percent rate amount’ for ‘which
5 would (without regard to this paragraph) be
6 taxed at a rate below 39.6 percent’ in sub-
7 paragraph (C)(ii)(I).

8 “(B) *MAXIMUM AMOUNTS DEFINED.*—For
9 purposes of applying section 1(h) with the modi-
10 fications described in subparagraph (A)—

11 “(i) *MAXIMUM ZERO RATE AMOUNT.*—
12 The maximum zero rate amount shall be—

13 “(I) in the case of a joint return
14 or surviving spouse, \$77,200,

15 “(II) in the case of an individual
16 who is a head of household (as defined
17 in section 2(b)), \$51,700,

18 “(III) in the case of any other in-
19 dividual (other than an estate or
20 trust), an amount equal to 1/2 of the
21 amount in effect for the taxable year
22 under subclause (I), and

23 “(IV) in the case of an estate or
24 trust, \$2,600.

1 “(i) *MAXIMUM 15-PERCENT RATE*
2 *AMOUNT.—The maximum 15-percent rate*
3 *amount shall be—*

4 “(I) *in the case of a joint return*
5 *or surviving spouse, \$479,000 (1/2 such*
6 *amount in the case of a married indi-*
7 *vidual filing a separate return),*

8 “(II) *in the case of an individual*
9 *who is the head of a household (as de-*
10 *fined in section 2(b)), \$452,400,*

11 “(III) *in the case of any other in-*
12 *dividual (other than an estate or*
13 *trust), \$425,800, and*

14 “(IV) *in the case of an estate or*
15 *trust, \$12,700.*

16 “(C) *INFLATION ADJUSTMENT.—In the case*
17 *of any taxable year beginning after 2018, each of*
18 *the dollar amounts in clauses (i) and (ii) of sub-*
19 *paragraph (B) shall be increased by an amount*
20 *equal to—*

21 “(i) *such dollar amount, multiplied by*

22 “(ii) *the cost-of-living adjustment de-*
23 *termined under subsection (f)(3) for the cal-*
24 *endar year in which the taxable year be-*
25 *gins, determined by substituting ‘calendar*

1 year 2017’ for ‘calendar year 2016’ in sub-
2 paragraph (A)(ii) thereof.

3 “(6) SECTION 15 NOT TO APPLY.—Section 15
4 shall not apply to any change in a rate of tax by rea-
5 son of this subsection.”.

6 (b) DUE DILIGENCE TAX PREPARER REQUIREMENT
7 WITH RESPECT TO HEAD OF HOUSEHOLD FILING STA-
8 TUS.—Subsection (g) of section 6695 is amended to read
9 as follows:

10 “(g) FAILURE TO BE DILIGENT IN DETERMINING ELI-
11 GIBILITY FOR CERTAIN TAX BENEFITS.—Any person who
12 is a tax return preparer with respect to any return or claim
13 for refund who fails to comply with due diligence require-
14 ments imposed by the Secretary by regulations with respect
15 to determining—

16 “(1) eligibility to file as a head of household (as
17 defined in section 2(b)) on the return, or

18 “(2) eligibility for, or the amount of, the credit
19 allowable by section 24, 25A(a)(1), or 32,
20 shall pay a penalty of \$500 for each such failure.”.

21 (c) EFFECTIVE DATE.—The amendments made by this
22 section shall apply to taxable years beginning after Decem-
23 ber 31, 2017.

1 **SEC. 11002. INFLATION ADJUSTMENTS BASED ON CHAINED**
2 **CPI.**

3 (a) *IN GENERAL.*—Subsection (f) of section 1 is
4 amended by striking paragraph (3) and by inserting after
5 paragraph (2) the following new paragraph:

6 “(3) *COST-OF-LIVING ADJUSTMENT.*—For pur-
7 poses of this subsection—

8 “(A) *IN GENERAL.*—The cost-of-living ad-
9 justment for any calendar year is the percentage
10 (if any) by which—

11 “(i) the C–CPI–U for the preceding
12 calendar year, exceeds

13 “(ii) the CPI for calendar year 2016,
14 multiplied by the amount determined under
15 subparagraph (B).

16 “(B) *AMOUNT DETERMINED.*—The amount
17 determined under this clause is the amount ob-
18 tained by dividing—

19 “(i) the C–CPI–U for calendar year
20 2016, by

21 “(ii) the CPI for calendar year 2016.

22 “(C) *SPECIAL RULE FOR ADJUSTMENTS*
23 *WITH A BASE YEAR AFTER 2016.*—For purposes
24 of any provision of this title which provides for
25 the substitution of a year after 2016 for ‘2016’
26 in subparagraph (A)(i), subparagraph (A) shall

1 *be applied by substituting ‘the C–CPI–U for cal-*
2 *endar year 2016’ for ‘the CPI for calendar year*
3 *2016’ and all that follows in clause (ii) thereof.”.*

4 *(b) C–CPI–U.—Subsection (f) of section 1 is amended*
5 *by striking paragraph (7), by redesignating paragraph (6)*
6 *as paragraph (7), and by inserting after paragraph (5) the*
7 *following new paragraph:*

8 *“(6) C–CPI–U.—For purposes of this sub-*
9 *section—*

10 *“(A) IN GENERAL.—The term ‘C–CPI–U’*
11 *means the Chained Consumer Price Index for All*
12 *Urban Consumers (as published by the Bureau of*
13 *Labor Statistics of the Department of Labor).*
14 *The values of the Chained Consumer Price Index*
15 *for All Urban Consumers taken into account for*
16 *purposes of determining the cost-of-living adjust-*
17 *ment for any calendar year under this subsection*
18 *shall be the latest values so published as of the*
19 *date on which such Bureau publishes the initial*
20 *value of the Chained Consumer Price Index for*
21 *All Urban Consumers for the month of August*
22 *for the preceding calendar year.*

23 *“(B) DETERMINATION FOR CALENDAR*
24 *YEAR.—The C–CPI–U for any calendar year is*
25 *the average of the C–CPI–U as of the close of the*

1 12-month period ending on August 31 of such
2 calendar year.”.

3 (c) *APPLICATION TO PERMANENT TAX TABLES.*—Sec-
4 tion 1(f)(2)(A) is amended by inserting “, determined by
5 substituting ‘1992’ for ‘2016’ in paragraph (3)(A)(ii)”.

6 (d) *APPLICATION TO OTHER INTERNAL REVENUE*
7 *CODE OF 1986 PROVISIONS.*—

8 (1) *The following sections are each amended by*
9 *striking “for ‘calendar year 1992’ in subparagraph*
10 *(B)” and inserting “for ‘calendar year 2016’ in sub-*
11 *paragraph (A)(ii)”:*

12 (A) *Section 23(h)(2).*

13 (B) *Paragraphs (1)(A)(ii) and (2)(A)(ii) of*
14 *section 25A(h).*

15 (C) *Section 25B(b)(3)(B).*

16 (D) *Subsection (b)(2)(B)(ii)(II), and clauses*
17 *(i) and (ii) of subsection (j)(1)(B), of section 32.*

18 (E) *Section 36B(f)(2)(B)(ii)(II).*

19 (F) *Section 41(e)(5)(C)(i).*

20 (G) *Subsections (e)(3)(D)(ii) and*
21 *(h)(3)(H)(i)(II) of section 42.*

22 (H) *Section 45R(d)(3)(B)(ii).*

23 (I) *Section 55(d)(4)(A)(ii).*

24 (J) *Section 62(d)(3)(B).*

25 (K) *Section 63(c)(4)(B).*

- 1 (L) Section 125(i)(2)(B).
- 2 (M) Section 135(b)(2)(B)(ii).
- 3 (N) Section 137(f)(2).
- 4 (O) Section 146(d)(2)(B).
- 5 (P) Section 147(c)(2)(H)(ii).
- 6 (Q) Section 151(d)(4)(B).
- 7 (R) Section 179(b)(6)(A)(ii).
- 8 (S) Subsections (b)(5)(C)(i)(II) and
- 9 (g)(8)(B) of section 219.
- 10 (T) Section 220(g)(2).
- 11 (U) Section 221(f)(1)(B).
- 12 (V) Section 223(g)(1)(B).
- 13 (W) Section 408A(c)(3)(D)(ii).
- 14 (X) Section 430(c)(7)(D)(vii)(II).
- 15 (Y) Section 512(d)(2)(B).
- 16 (Z) Section 513(h)(2)(C)(ii).
- 17 (AA) Section 831(b)(2)(D)(ii).
- 18 (BB) Section 877A(a)(3)(B)(i)(II).
- 19 (CC) Section 2010(c)(3)(B)(ii).
- 20 (DD) Section 2032A(a)(3)(B).
- 21 (EE) Section 2503(b)(2)(B).
- 22 (FF) Section 4261(e)(4)(A)(ii).
- 23 (GG) Section 5000A(c)(3)(D)(ii).
- 24 (HH) Section 6323(i)(4)(B).
- 25 (II) Section 6334(g)(1)(B).

1 *(JJ) Section 6601(j)(3)(B).*

2 *(KK) Section 6651(i)(1).*

3 *(LL) Section 6652(c)(7)(A).*

4 *(MM) Section 6695(h)(1).*

5 *(NN) Section 6698(e)(1).*

6 *(OO) Section 6699(e)(1).*

7 *(PP) Section 6721(f)(1).*

8 *(QQ) Section 6722(f)(1).*

9 *(RR) Section 7345(f)(2).*

10 *(SS) Section 7430(c)(1).*

11 *(TT) Section 9831(d)(2)(D)(i)(II).*

12 *(2) Sections 41(e)(5)(C)(i) and 68(b)(2)(B) are*
 13 *each amended—*

14 *(A) by striking “1(f)(3)(B)” and inserting*
 15 *“1(f)(3)(A)(ii)”, and*

16 *(B) by striking “1992” and inserting*
 17 *“2016”.*

18 *(3) Section 42(h)(6)(G) is amended—*

19 *(A) by striking “for ‘calendar year 1987’”*
 20 *in clause (i)(II) and inserting “for ‘calendar*
 21 *year 2016’ in subparagraph (A)(ii) thereof”, and*

22 *(B) by striking “if the CPI for any cal-*
 23 *endar year” and all that follows in clause (i)*
 24 *and inserting “if the C–CPI–U for any calendar*
 25 *year (as defined in section 1(f)(6)) exceeds the*

1 C–CPI–U for the preceding calendar year by
2 more than 5 percent, the C–CPI–U for the base
3 calendar year shall be increased such that such
4 excess shall never be taken into account under
5 clause (i). In the case of a base calendar year be-
6 fore 2017, the C–CPI–U for such year shall be
7 determined by multiplying the CPI for such year
8 by the amount determined under section
9 1(f)(3)(B).”.

10 (4) Section 59(j)(2)(B) is amended by striking
11 “for ‘1992’ in subparagraph (B)” and inserting “for
12 ‘2016’ in subparagraph (A)(ii)”.

13 (5) Section 132(f)(6)(A)(ii) is amended by strik-
14 ing “for ‘calendar year 1992’” and inserting “for
15 ‘calendar year 2016’ in subparagraph (A)(ii) there-
16 of”.

17 (6) Section 162(o)(3) is amended by striking
18 “adjusted for changes in the Consumer Price Index
19 (as defined in section 1(f)(5)) since 1991” and insert-
20 ing “adjusted by increasing any such amount under
21 the 1991 agreement by an amount equal to—

22 “(A) such amount, multiplied by

23 “(B) the cost-of-living adjustment deter-
24 mined under section 1(f)(3) for the calendar year
25 in which the taxable year begins, by substituting

1 ‘calendar year 1990’ for ‘calendar year 2016’ in
2 subparagraph (A)(ii) thereof’.

3 (7) So much of clause (ii) of section
4 213(d)(10)(B) as precedes the last sentence is amend-
5 ed to read as follows:

6 “(i) *MEDICAL CARE COST ADJUST-*
7 *MENT.—For purposes of clause (i), the med-*
8 *ical care cost adjustment for any calendar*
9 *year is the percentage (if any) by which—*

10 “(I) *the medical care component*
11 *of the C–CPI–U (as defined in section*
12 *1(f)(6)) for August of the preceding cal-*
13 *endar year, exceeds*

14 “(II) *such component of the CPI*
15 *(as defined in section 1(f)(4)) for Au-*
16 *gust of 1996, multiplied by the amount*
17 *determined under section 1(f)(3)(B).”.*

18 (8) Subparagraph (B) of section 280F(d)(7) is
19 amended to read as follows:

20 “(B) *AUTOMOBILE PRICE INFLATION AD-*
21 *JUSTMENT.—For purposes of this paragraph—*

22 “(i) *IN GENERAL.—The automobile*
23 *price inflation adjustment for any calendar*
24 *year is the percentage (if any) by which—*

1 “(I) the C-CPI-U automobile
2 component for October of the preceding
3 calendar year, exceeds

4 “(II) the automobile component of
5 the CPI (as defined in section 1(f)(4))
6 for October of 1987, multiplied by the
7 amount determined under 1(f)(3)(B).

8 “(ii) C-CPI-U AUTOMOBILE COMPO-
9 NENT.—The term ‘C-CPI-U automobile
10 component’ means the automobile compo-
11 nent of the Chained Consumer Price Index
12 for All Urban Consumers (as described in
13 section 1(f)(6)).”.

14 (9) Section 911(b)(2)(D)(ii)(II) is amended by
15 striking “for ‘1992’ in subparagraph (B)” and insert-
16 ing “for ‘2016’ in subparagraph (A)(ii)”.

17 (10) Paragraph (2) of section 1274A(d) is
18 amended to read as follows:

19 “(2) ADJUSTMENT FOR INFLATION.—In the case
20 of any debt instrument arising out of a sale or ex-
21 change during any calendar year after 1989, each
22 dollar amount contained in the preceding provisions
23 of this section shall be increased by an amount equal
24 to—

25 “(A) such amount, multiplied by

1 “(B) the cost-of-living adjustment deter-
2 mined under section 1(f)(3) for the calendar year
3 in which the taxable year begins, by substituting
4 ‘calendar year 1988’ for ‘calendar year 2016’ in
5 subparagraph (A)(ii) thereof.

6 Any increase under the preceding sentence shall be
7 rounded to the nearest multiple of \$100 (or, if such
8 increase is a multiple of \$50, such increase shall be
9 increased to the nearest multiple of \$100).”.

10 (11) Section 4161(b)(2)(C)(i)(II) is amended by
11 striking “for ‘1992’ in subparagraph (B)” and insert-
12 ing “for ‘2016’ in subparagraph (A)(ii)”.

13 (12) Section 4980I(b)(3)(C)(v)(II) is amended by
14 striking “for ‘1992’ in subparagraph (B)” and insert-
15 ing “for ‘2016’ in subparagraph (A)(ii)”.

16 (13) Section 6039F(d) is amended by striking
17 “subparagraph (B) thereof shall be applied by sub-
18 stituting ‘1995’ for ‘1992’” and inserting “subpara-
19 graph (A)(ii) thereof shall be applied by substituting
20 ‘1995’ for ‘2016’”.

21 (14) Section 7872(g)(5) is amended to read as
22 follows:

23 “(5) ADJUSTMENT OF LIMIT FOR INFLATION.—In
24 the case of any loan made during any calendar year

1 after 1986, the dollar amount in paragraph (2) shall
2 be increased by an amount equal to—

3 “(A) such amount, multiplied by

4 “(B) the cost-of-living adjustment deter-
5 mined under section 1(f)(3) for the calendar year
6 in which the taxable year begins, by substituting
7 ‘calendar year 1985’ for ‘calendar year 2016’ in
8 subparagraph (A)(i) thereof.

9 Any increase under the preceding sentence shall be
10 rounded to the nearest multiple of \$100 (or, if such
11 increase is a multiple of \$50, such increase shall be
12 increased to the nearest multiple of \$100).”.

13 (e) *EFFECTIVE DATE.*—The amendments made by this
14 section shall apply to taxable years beginning after Decem-
15 ber 31, 2017.

16 **PART II—DEDUCTION FOR QUALIFIED BUSINESS**
17 **INCOME OF PASS-THRU ENTITIES**

18 **SEC. 11011. DEDUCTION FOR QUALIFIED BUSINESS IN-**
19 **COME.**

20 (a) *IN GENERAL.*—Part VI of subchapter B of chapter
21 1 is amended by adding at the end the following new sec-
22 tion:

1 **“SEC. 199A. QUALIFIED BUSINESS INCOME.**

2 “(a) *IN GENERAL.*—*In the case of a taxpayer other*
3 *than a corporation, there shall be allowed as a deduction*
4 *for any taxable year an amount equal to the lesser of—*

5 “(1) *the combined qualified business income*
6 *amount of the taxpayer, or*

7 “(2) *an amount equal to 23 percent of the excess*
8 *(if any) of—*

9 “(A) *the taxable income of the taxpayer for*
10 *the taxable year, over*

11 “(B) *any net capital gain (as defined in*
12 *section 1(h)) of the taxpayer for the taxable year.*

13 “(b) *COMBINED QUALIFIED BUSINESS INCOME*
14 *AMOUNT.*—*For purposes of this section—*

15 “(1) *IN GENERAL.*—*The term ‘combined quali-*
16 *fied business income amount’ means, with respect to*
17 *any taxable year, an amount equal to—*

18 “(A) *the sum of the amounts determined*
19 *under paragraph (2) for each qualified trade or*
20 *business carried on by the taxpayer, plus*

21 “(B) *23 percent of the aggregate amount of*
22 *the qualified REIT dividends and qualified coop-*
23 *erative dividends of the taxpayer for the taxable*
24 *year.*

25 “(2) *DETERMINATION OF DEDUCTIBLE AMOUNT*
26 *FOR EACH TRADE OR BUSINESS.*—*The amount deter-*

1 *mined under this paragraph with respect to any*
2 *qualified trade or business is the lesser of—*

3 *“(A) 23 percent of the taxpayer’s qualified*
4 *business income with respect to the qualified*
5 *trade or business, or*

6 *“(B) 50 percent of the W-2 wages with re-*
7 *spect to the qualified trade or business.*

8 *“(3) MODIFICATIONS TO THE WAGE LIMIT BASED*
9 *ON TAXABLE INCOME.—*

10 *“(A) EXCEPTION FROM WAGE LIMIT.—In*
11 *the case of any taxpayer whose taxable income*
12 *for the taxable year does not exceed the threshold*
13 *amount, paragraph (2) shall be applied without*
14 *regard to subparagraph (B).*

15 *“(B) PHASE-IN OF LIMIT FOR CERTAIN TAX-*
16 *PAYERS.—*

17 *“(i) IN GENERAL.—If—*

18 *“(I) the taxable income of a tax-*
19 *payer for any taxable year exceeds the*
20 *threshold amount, but does not exceed*
21 *the sum of the threshold amount plus*
22 *\$50,000 (\$100,000 in the case of a*
23 *joint return), and*

24 *“(II) the amount determined*
25 *under paragraph (2)(B) (determined*

1 *without regard to this subparagraph)*
2 *with respect to any qualified trade or*
3 *business carried on by the taxpayer is*
4 *less than the amount determined under*
5 *paragraph (2)(A) with respect such*
6 *trade or business,*

7 *then paragraph (2) shall be applied with re-*
8 *spect to such trade or business without re-*
9 *gard to subparagraph (B) thereof and by re-*
10 *ducing the amount determined under sub-*
11 *paragraph (A) thereof by the amount deter-*
12 *mined under clause (i).*

13 “(i) *AMOUNT OF REDUCTION.*—*The*
14 *amount determined under this subpara-*
15 *graph is the amount which bears the same*
16 *ratio to the excess amount as—*

17 “(I) *the amount by which the tax-*
18 *payer’s taxable income for the taxable*
19 *year exceeds the threshold amount,*
20 *bears to*

21 “(II) *\$50,000 (\$100,000 in the*
22 *case of a joint return).*

23 “(iii) *EXCESS AMOUNT.*—*For purposes*
24 *of clause (i), the excess amount is the excess*
25 *of—*

1 “(I) the amount determined under
2 paragraph (2)(A) (determined without
3 regard to this paragraph), over

4 “(II) the amount determined
5 under paragraph (2)(B) (determined
6 without regard to this paragraph).

7 “(4) WAGES, ETC.—

8 “(A) IN GENERAL.—The term ‘W-2 wages’
9 means, with respect to any person for any tax-
10 able year of such person, the amounts described
11 in paragraphs (3) and (8) of section 6051(a)
12 paid by such person with respect to employment
13 of employees by such person during the calendar
14 year ending during such taxable year.

15 “(B) LIMITATION TO WAGES ATTRIBUTABLE
16 TO QUALIFIED BUSINESS INCOME.—Such term
17 shall not include any amount which is not prop-
18 erly allocable to qualified business income for
19 purposes of subsection (c)(1).

20 “(C) RETURN REQUIREMENT.—Such term
21 shall not include any amount which is not prop-
22 erly included in a return filed with the Social
23 Security Administration on or before the 60th
24 day after the due date (including extensions) for
25 such return.

1 “(5) *ACQUISITIONS, DISPOSITIONS, AND SHORT*
2 *TAXABLE YEARS.*—*The Secretary shall provide for the*
3 *application of this subsection in cases of a short tax-*
4 *able year or where the taxpayer acquires, or disposes*
5 *of, the major portion of a trade or business or the*
6 *major portion of a separate unit of a trade or busi-*
7 *ness during the taxable year.*

8 “(c) *QUALIFIED BUSINESS INCOME.*—*For purposes of*
9 *this section—*

10 “(1) *IN GENERAL.*—*The term ‘qualified business*
11 *income’ means, for any taxable year, the net amount*
12 *of qualified items of income, gain, deduction, and loss*
13 *with respect to any qualified trade or business of the*
14 *taxpayer.*

15 “(2) *CARRYOVER OF LOSSES.*—*If the net amount*
16 *of qualified income, gain, deduction, and loss with re-*
17 *spect to qualified trade or businesses of the taxpayer*
18 *amount for any taxable year is less than zero, such*
19 *amount shall be treated as a loss from a qualified*
20 *trade or business in the succeeding taxable year.*

21 “(3) *QUALIFIED ITEMS OF INCOME, GAIN, DE-*
22 *DUCTION, AND LOSS.*—*For purposes of this sub-*
23 *section—*

24 “(A) *IN GENERAL.*—*The term ‘qualified*
25 *items of income, gain, deduction, and loss’*

1 means items of income, gain, deduction, and loss
2 to the extent such items are—

3 “(i) effectively connected with the con-
4 duct of a trade or business within the
5 United States (within the meaning of sec-
6 tion 864(c), determined by substituting
7 ‘qualified trade or business (within the
8 meaning of section 199A)’ for ‘nonresident
9 alien individual or a foreign corporation’ or
10 for ‘a foreign corporation’ each place it ap-
11 pears), and

12 “(ii) included or allowed in deter-
13 mining taxable income for the taxable year.

14 “(B) EXCEPTIONS.—The following invest-
15 ment items shall not be taken into account as a
16 qualified item of income, gain, deduction, or loss:

17 “(i) Any item of short-term capital
18 gain, short-term capital loss, long-term cap-
19 ital gain, or long-term capital loss.

20 “(ii) Any dividend, income equivalent
21 to a dividend, or payment in lieu of divi-
22 dends described in section 954(c)(1)(G).

23 “(iii) Any interest income other than
24 interest income which is properly allocable
25 to a trade or business.

1 “(iv) Any item of gain or loss de-
2 scribed in subparagraph (C) or (D) of sec-
3 tion 954(c)(1) (applied by substituting
4 ‘qualified trade or business’ for ‘controlled
5 foreign corporation’).

6 “(v) Any item of income, gain, deduc-
7 tion, or loss taken into account under sec-
8 tion 954(c)(1)(F) (determined without re-
9 gard to clause (ii) thereof and other than
10 items attributable to notional principal con-
11 tracts entered into in transactions quali-
12 fying under section 1221(a)(7)).

13 “(vi) Any amount received from an
14 annuity which is not received in connection
15 with the trade or business.

16 “(vii) Any item of deduction or loss
17 properly allocable to an amount described
18 in any of the preceding clauses.

19 “(4) TREATMENT OF REASONABLE COMPENSA-
20 TION AND GUARANTEED PAYMENTS.—Qualified busi-
21 ness income shall not include—

22 “(A) reasonable compensation paid to the
23 taxpayer by any qualified trade or business of
24 the taxpayer for services rendered with respect to
25 the trade or business,

1 “(B) any guaranteed payment described in
2 section 707(c) paid to a partner for services ren-
3 dered with respect to the trade or business, and

4 “(C) to the extent provided in regulations,
5 any payment described in section 707(a) to a
6 partner for services rendered with respect to the
7 trade or business.

8 “(d) *QUALIFIED TRADE OR BUSINESS.*—For purposes
9 of this section—

10 “(1) *IN GENERAL.*—The term ‘qualified trade or
11 business’ means any trade or business other than a
12 specified service trade or business or the trade or busi-
13 ness of performing services as an employee.

14 “(2) *SPECIFIED SERVICE TRADE OR BUSINESS.*—
15 The term ‘specified service trade or business’ means
16 any trade or business involving the performance of
17 services described in section 1202(e)(3)(A), including
18 investing and investment management, trading, or
19 dealing in securities (as defined in section 475(c)(2)),
20 partnership interests, or commodities (as defined in
21 section 475(e)(2)).

22 “(3) *EXCEPTION FOR SPECIFIED SERVICE BUSI-*
23 *NESSES BASED ON TAXPAYER’S INCOME.*—

24 “(A) *IN GENERAL.*—If, for any taxable
25 year, the taxable income of any taxpayer is less

1 *than the sum of the threshold amount plus*
2 *\$50,000 (\$100,000 in the case of a joint return),*
3 *then—*

4 *“(i) the exception under paragraph (1)*
5 *shall not apply to specified service trades or*
6 *businesses of the taxpayer for the taxable*
7 *year, but*

8 *“(ii) only the applicable percentage of*
9 *qualified items of income, gain, deduction,*
10 *or loss, and the W-2 wages, of the taxpayer*
11 *allocable to such specified service trades or*
12 *businesses shall be taken into account in*
13 *computing the qualified business income*
14 *and W-2 wages of the taxpayer for the tax-*
15 *able year for purposes of applying this sec-*
16 *tion.*

17 *“(B) APPLICABLE PERCENTAGE.—For pur-*
18 *poses of subparagraph (A), the term ‘applicable*
19 *percentage’ means, with respect to any taxable*
20 *year, 100 percent reduced (not below zero) by the*
21 *percentage equal to the ratio of—*

22 *“(i) the taxable income of the taxpayer*
23 *for the taxable year in excess of the thresh-*
24 *old amount, bears to*

1 “(ii) \$50,000 (\$100,000 in the case of
2 a joint return).

3 “(e) *OTHER DEFINITIONS.*—For purposes of this sec-
4 tion—

5 “(1) *TAXABLE INCOME.*—Taxable income shall be
6 computed without regard to the deduction allowable
7 under this section.

8 “(2) *THRESHOLD AMOUNT.*—

9 “(A) *IN GENERAL.*—The term ‘threshold
10 amount’ means \$250,000 (200 percent of such
11 amount in the case of a joint return).

12 “(B) *INFLATION ADJUSTMENT.*—In the case
13 of any taxable year beginning after 2018, the
14 dollar amount in paragraph (1) shall be in-
15 creased by an amount equal to—

16 “(i) such dollar amount, multiplied by

17 “(ii) the cost-of-living adjustment de-
18 termined under section 1(f)(3) for the cal-
19 endar year in which the taxable year be-
20 gins, determined by substituting ‘calendar
21 year 2017’ for ‘calendar year 2016’ in sub-
22 paragraph (A)(ii) thereof.

23 If any amount as increased under the preceding
24 sentence is not a multiple of \$1,000, such

1 *amount shall be rounded to the nearest multiple*
2 *of \$1,000.*

3 “(3) *QUALIFIED REIT DIVIDEND.*—*The term*
4 *‘qualified REIT dividend’ means any dividend from*
5 *a real estate investment trust received during the tax-*
6 *able year which—*

7 “(A) *is not a capital gain dividend, as de-*
8 *fin ed in section 857(b)(3), and*

9 “(B) *is not qualified dividend income, as*
10 *defined in section 1(h)(11).*

11 “(4) *QUALIFIED COOPERATIVE DIVIDEND.*—*The*
12 *term ‘qualified cooperative dividend’ means any pa-*
13 *tronage dividend (as defined in section 1388(a)), any*
14 *per-unit retain allocation (as defined in section*
15 *1388(f)), and any qualified written notice of alloca-*
16 *tion (as defined in section 1388(c)), or any similar*
17 *amount received from an organization described in*
18 *subparagraph (B)(ii), which—*

19 “(A) *is includible in gross income, and*

20 “(B) *is received from—*

21 “(i) *an organization or corporation de-*
22 *scribed in section 501(c)(12) or 1381(a), or*

23 “(ii) *an organization which is gov-*
24 *erned under this title by the rules applicable*

1 to cooperatives under this title before the en-
2 actment of subchapter T.

3 “(f) *SPECIAL RULES.*—

4 “(1) *APPLICATION TO PARTNERSHIPS AND S COR-*
5 *PORATIONS.*—

6 “(A) *IN GENERAL.*—*In the case of a part-*
7 *nership or S corporation—*

8 “(i) *this section shall be applied at the*
9 *partner or shareholder level,*

10 “(ii) *each partner or shareholder shall*
11 *take into account such person’s allocable*
12 *share of each qualified item of income, gain,*
13 *deduction, and loss, and*

14 “(iii) *each partner or shareholder shall*
15 *be treated for purposes of subsection (b) as*
16 *having W–2 wages for the taxable year in*
17 *an amount equal to such person’s allocable*
18 *share of the W–2 wages of the partnership*
19 *or S corporation for the taxable year (as de-*
20 *termined under regulations prescribed by*
21 *the Secretary).*

22 *For purposes of clause (iii), a partner’s or share-*
23 *holder’s allocable share of W–2 wages shall be de-*
24 *termined in the same manner as the partner’s or*
25 *shareholder’s allocable share of wage expenses.*

1 *For purposes of this subparagraph, in the case of*
2 *an S corporation, an allocable share shall be the*
3 *shareholder’s pro rata share of an item.*

4 “(B) *APPLICATION TO TRUSTS AND ES-*
5 *TATES.—This section shall not apply to any*
6 *trust or estate.*

7 “(C) *TREATMENT OF TRADES OR BUSINESS*
8 *IN PUERTO RICO.—*

9 “(i) *IN GENERAL.—In the case of any*
10 *taxpayer with qualified business income*
11 *from sources within the commonwealth of*
12 *Puerto Rico, if all such income is taxable*
13 *under section 1 for such taxable year, then*
14 *for purposes of determining the qualified*
15 *business income of such taxpayer for such*
16 *taxable year, the term ‘United States’ shall*
17 *include the Commonwealth of Puerto Rico.*

18 “(ii) *SPECIAL RULE FOR APPLYING*
19 *WAGE LIMITATION.—In the case of any tax-*
20 *payer described in clause (i), the determina-*
21 *tion of W–2 wages of such taxpayer with re-*
22 *spect to any qualified trade or business con-*
23 *ducted in Puerto Rico shall be made with-*
24 *out regard to any exclusion under section*

1 3401(a)(8) for remuneration paid for serv-
2 ices in Puerto Rico.

3 “(2) *COORDINATION WITH MINIMUM TAX.*—For
4 purposes of determining alternative minimum taxable
5 income under section 55, qualified business income
6 shall be determined without regard to any adjust-
7 ments under sections 56 through 59.

8 “(3) *DEDUCTION LIMITED TO INCOME TAXES.*—
9 The deduction under subsection (a) shall only be al-
10 lowed for purposes of this chapter.

11 “(4) *REGULATIONS.*—The Secretary shall pre-
12 scribe such regulations as are necessary to carry out
13 the purposes of this section, including regulations—

14 “(A) for requiring or restricting the alloca-
15 tion of items and wages under this section and
16 such reporting requirements as the Secretary de-
17 termines appropriate, and

18 “(B) for the application of this section in
19 the case of tiered entities.

20 “(g) *DEDUCTION ALLOWED TO SPECIFIED AGRICUL-
21 TURAL OR HORTICULTURAL COOPERATIVES.*—

22 “(1) *IN GENERAL.*—In the case of any taxable
23 year of a specified agricultural or horticultural coop-
24 erative beginning after December 31, 2018, there shall

1 *be allowed a deduction in an amount equal to the*
2 *lesser of—*

3 *“(A) 23 percent of the cooperative’s taxable*
4 *income for the taxable year, or*

5 *“(B) 50 percent of the W-2 wages of the co-*
6 *operative with respect to its trade or business.*

7 *“(2) SPECIFIED AGRICULTURAL OR HORTI-*
8 *CULTURAL COOPERATIVE.—For purposes of this sub-*
9 *section, the term ‘specified agricultural or horti-*
10 *cultural cooperative’ means an organization to which*
11 *part I of subchapter T applies which is engaged in—*

12 *“(A) the manufacturing, production,*
13 *growth, or extraction in whole or significant*
14 *part of any agricultural or horticultural prod-*
15 *uct,*

16 *“(B) the marketing of agricultural or horti-*
17 *cultural products which its patrons have so man-*
18 *ufactured, produced, grown, or extracted, or*

19 *“(C) the provision of supplies, equipment,*
20 *or services to farmers or to organizations de-*
21 *scribed in subparagraph (A) or (B).*

22 *“(h) TERMINATION.—This section shall not apply to*
23 *taxable years beginning after December 31, 2025.”.*

24 *(b) APPLICATION TO PUBLICLY TRADED PARTNER-*
25 *SHIPS.—*

1 (1) *IN GENERAL.*—Section 199A(b)(1)(B), as
2 added by subsection (a), is amended by striking “and
3 qualified cooperative dividends” and inserting “,
4 qualified cooperative dividends, and qualified pub-
5 licly traded partnership income”.

6 (2) *QUALIFIED PUBLICLY TRADED PARTNERSHIP*
7 *INCOME.*—Section 199A(e), as added by subsection
8 (a), is amended by adding at the end the following
9 new paragraph:

10 “(5) *QUALIFIED PUBLICLY TRADED PARTNER-*
11 *SHIP INCOME.*—The term ‘qualified publicly traded
12 partnership income’ means, with respect to any quali-
13 fied trade or business of a taxpayer, the sum of—

14 “(A) the net amount of such taxpayer’s allo-
15 cable share of each qualified item of income,
16 gain, deduction, and loss (as defined in sub-
17 section (c)(3) and determined after the applica-
18 tion of subsection (c)(4)) from a publicly traded
19 partnership (as defined in section 7704(a))
20 which is not treated as a corporation under sec-
21 tion 7704(c), plus

22 “(B) any gain recognized by such taxpayer
23 upon disposition of its interest in such partner-
24 ship to the extent such gain is treated as an
25 amount realized from the sale or exchange of

1 *property other than a capital asset under section*
2 *751(a).”.*

3 (3) *CONFORMING AMENDMENT.—Section*
4 *199A(c)(1), as added by subsection (a), is amended by*
5 *adding at the end the following new sentence: “Such*
6 *term shall not include any qualified publicly traded*
7 *partnership income.”.*

8 (c) *ACCURACY-RELATED PENALTY ON DETERMINATION*
9 *OF APPLICABLE PERCENTAGE.—Section 6662(d)(1) is*
10 *amended by inserting at the end the following new subpara-*
11 *graph:*

12 “(C) *SPECIAL RULE FOR TAXPAYERS CLAIM-*
13 *ING SECTION 199A DEDUCTION.—In the case of*
14 *any taxpayer who claims the deduction allowed*
15 *under section 199A for the taxable year, sub-*
16 *paragraph (A) shall be applied by substituting ‘5*
17 *percent’ for ‘10 percent’.*”.

18 (d) *CONFORMING AMENDMENTS.—*

19 (1) *Section 170(b)(2)(D) is amended by striking*
20 *“, and” at the end of clause (iv), by redesignating*
21 *clause (v) as clause (vi), and by inserting after clause*
22 *(iv) the following new clause:*

23 “(v) *section 199A, and”.*

24 (2) *Section 172(d) is amended by adding at the*
25 *end the following new paragraph:*

1 “(8) *QUALIFIED BUSINESS INCOME DEDUC-*
2 *TION.—The deduction under section 199A shall not be*
3 *allowed.*”.

4 (3) *Section 246(b)(1) is amended by inserting*
5 *“199A,” before “243(a)(1)”.*

6 (4) *Section 613(a) is amended by inserting “and*
7 *without the deduction under section 199A” after “and*
8 *without the deduction under section 199”.*

9 (5) *Section 613A(d)(1) is amended by redesign-*
10 *ating subparagraphs (C), (D), and (E) as subpara-*
11 *graphs (D), (E), and (F), respectively, and by insert-*
12 *ing after subparagraph (B), the following new sub-*
13 *paragraph:*

14 *“(C) any deduction allowable under section*
15 *199A,”.*

16 (6) *The table of sections for part VI of sub-*
17 *chapter B of chapter 1 is amended by inserting at the*
18 *end the following new item:*

“Sec. 199A. Qualified business income.”.

19 (e) *EFFECTIVE DATE.—The amendments made by this*
20 *section shall apply to taxable years beginning after Decem-*
21 *ber 31, 2017.*

22 **SEC. 11012. LIMITATION ON LOSSES FOR TAXPAYERS**
23 **OTHER THAN CORPORATIONS.**

24 (a) *IN GENERAL.—Section 461 is amended by adding*
25 *at the end the following new subsection:*

1 “(l) *LIMITATION ON EXCESS BUSINESS LOSSES OF*
2 *NONCORPORATE TAXPAYERS.*—

3 “(1) *LIMITATION.*—*In the case of taxable year of*
4 *a taxpayer other than a corporation beginning after*
5 *December 31, 2017, and before January 1, 2026—*

6 “(A) *subsection (j) (relating to limitation*
7 *on excess farm losses of certain taxpayers) shall*
8 *not apply, and*

9 “(B) *any excess business loss of the tax-*
10 *payer for the taxable year shall not be allowed.*

11 “(2) *DISALLOWED LOSS CARRYOVER.*—*Any loss*
12 *which is disallowed under paragraph (1) shall be*
13 *treated as a net operating loss carryover to the fol-*
14 *lowing taxable year under section 172.*

15 “(3) *EXCESS BUSINESS LOSS.*—*For purposes of*
16 *this subsection—*

17 “(A) *IN GENERAL.*—*The term ‘excess busi-*
18 *ness loss’ means the excess (if any) of—*

19 “(i) *the aggregate deductions of the*
20 *taxpayer for the taxable year which are at-*
21 *tributable to trades or businesses of such*
22 *taxpayer (determined without regard to*
23 *whether or not such deductions are dis-*
24 *allowed for such taxable year under para-*
25 *graph (1)), over*

1 “(ii) the sum of—

2 “(I) the aggregate gross income or
3 gain of such taxpayer for the taxable
4 year which is attributable to such
5 trades or businesses, plus

6 “(II) \$250,000 (200 percent of
7 such amount in the case of a joint re-
8 turn).

9 “(B) *ADJUSTMENT FOR INFLATION.*—*In the*
10 *case of any taxable year beginning after Decem-*
11 *ber 31, 2018, the \$250,000 amount in subpara-*
12 *graph (A)(ii)(II) shall be increased by an*
13 *amount equal to—*

14 “(i) such dollar amount, multiplied by

15 “(ii) the cost-of-living adjustment de-
16 termined under section 1(f)(3) for the cal-
17 endar year in which the taxable year be-
18 gins, determined by substituting ‘2017’ for
19 ‘2016’ in subparagraph (A)(ii) thereof.

20 *If any amount as increased under the pre-*
21 *ceding sentence is not a multiple of \$1,000,*
22 *such amount shall be rounded to the nearest*
23 *multiple of \$1,000.*

1 “(4) *APPLICATION OF SUBSECTION IN CASE OF*
2 *PARTNERSHIPS AND S CORPORATIONS.—In the case of*
3 *a partnership or S corporation—*

4 “(A) *this subsection shall be applied at the*
5 *partner or shareholder level, and*

6 “(B) *each partner’s or shareholder’s allo-*
7 *cable share of the items of income, gain, deduc-*
8 *tion, or loss of the partnership or S corporation*
9 *for any taxable year from trades or businesses*
10 *attributable to the partnership or S corporation*
11 *shall be taken into account by the partner or*
12 *shareholder in applying this subsection to the*
13 *taxable year of such partner or shareholder with*
14 *or within which the taxable year of the partner-*
15 *ship or S corporation ends.*

16 *For purposes of this paragraph, in the case of an S*
17 *corporation, an allocable share shall be the share-*
18 *holder’s pro rata share of an item.*

19 “(5) *ADDITIONAL REPORTING.—The Secretary*
20 *shall prescribe such additional reporting requirements*
21 *as the Secretary determines appropriate to carry out*
22 *the purposes of this subsection.*

23 “(6) *COORDINATION WITH SECTION 469.—This*
24 *subsection shall be applied after the application of*
25 *section 469.”.*

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2017.*

4 **PART III—TAX BENEFITS FOR FAMILIES AND**
5 **INDIVIDUALS**

6 **SEC. 11021. INCREASE IN STANDARD DEDUCTION.**

7 (a) *IN GENERAL.*—*Subsection (c) of section 63 is*
8 *amended by adding at the end the following new paragraph:*

9 “(7) *SPECIAL RULES FOR TAXABLE YEARS 2018*
10 *THROUGH 2025.*—*In the case of a taxable year begin-*
11 *ning after December 31, 2017, and before January 1,*
12 *2026—*

13 “(A) *INCREASE IN STANDARD DEDUC-*
14 *TION.*—*Paragraph (2) shall be applied—*

15 “(i) *by substituting ‘\$18,000’ for*
16 *‘\$4,400’ in subparagraph (B), and*

17 “(ii) *by substituting ‘\$12,000’ for*
18 *‘\$3,000’ in subparagraph (C).*

19 “(B) *ADJUSTMENT FOR INFLATION.*—

20 “(i) *IN GENERAL.*—*Paragraph (4)*
21 *shall not apply to the dollar amounts con-*
22 *tained in paragraphs (2)(B) and (2)(C).*

23 “(ii) *ADJUSTMENT OF INCREASED*
24 *AMOUNTS.*—*In the case of a taxable year be-*
25 *ginning after 2018, the \$18,000 and*

1 \$12,000 amounts in subparagraph (A) shall
2 each be increased by an amount equal to—

3 “(I) such dollar amount, multi-
4 plied by

5 “(II) the cost-of-living adjustment
6 determined under section 1(f)(3) for
7 the calendar year in which the taxable
8 year begins, determined by substituting
9 ‘2017’ for ‘2016’ in subparagraph
10 (A)(ii) thereof.”.

11 (b) *EFFECTIVE DATE.*—The amendment made by this
12 section shall apply to taxable years beginning after Decem-
13 ber 31, 2017.

14 **SEC. 11022. INCREASE IN AND MODIFICATION OF CHILD**
15 **TAX CREDIT.**

16 (a) *IN GENERAL.*—Section 24 is amended by adding
17 at the end the following new subsection:

18 “(h) *SPECIAL RULES FOR TAXABLE YEARS 2018*
19 *THROUGH 2025.*—

20 “(1) *IN GENERAL.*—In the case of a taxable year
21 beginning after December 31, 2017, and before Janu-
22 ary 1, 2026, this section shall be applied as provided
23 in paragraphs (2), (3), (5), (6), (7), and (8). In the
24 case of taxable year beginning after December 31,

1 2017 and before January 1, 2025, this section shall
2 be applied as provided in paragraph (4).

3 “(2) CREDIT AMOUNT.—Subsection (a) shall be
4 applied by substituting ‘\$2,000’ for ‘\$1,000’.

5 “(3) LIMITATION.—In lieu of the amount deter-
6 mined under subsection (b)(2), the threshold amount
7 shall be \$500,000.

8 “(4) DEFINITION OF QUALIFYING CHILD.—Para-
9 graph (1) of subsection (c) shall be applied by sub-
10 stituting ‘18’ for ‘17’.

11 “(5) PARTIAL CREDIT ALLOWED FOR CERTAIN
12 OTHER DEPENDENTS.—

13 “(A) IN GENERAL.—The credit determined
14 under subsection (a) (after the application of
15 paragraph (2)) shall be increased by \$500 for
16 each dependent of the taxpayer (as defined in
17 section 152) other than a qualifying child de-
18 scribed in subsection (c) (after the application of
19 paragraph (4)).

20 “(B) EXCEPTION FOR CERTAIN NONCITI-
21 ZENS.—Subparagraph (A) shall not apply with
22 respect to any individual who would not be a de-
23 pendent if subparagraph (A) of section 152(b)(3)
24 were applied without regard to all that follows
25 ‘resident of the United States’.

1 “(6) *MAXIMUM AMOUNT OF REFUNDABLE CRED-*
2 *IT.—*

3 “(A) *IN GENERAL.—*Subsection (d)(1)(A)
4 *shall be applied without regard to paragraphs*
5 *(2) and (5) of this subsection.*

6 “(B) *ADJUSTMENT FOR INFLATION.—*In the
7 *case of a taxable year beginning after 2017, sub-*
8 *section (d)(1)(A) shall be applied as if the \$1,000*
9 *amount in subsection (a) were increased (but not*
10 *to exceed the amount under paragraph (2) of this*
11 *subsection) by an amount equal to—*

12 “(i) *such dollar amount, multiplied by*

13 “(ii) *the cost-of-living adjustment de-*
14 *termined under section 1(f)(3) for the cal-*
15 *endar year in which the taxable year be-*
16 *gins.*

17 *Any increase determined under the preceding*
18 *sentence shall be rounded to the next highest*
19 *multiple of \$100.*

20 “(7) *EARNED INCOME THRESHOLD FOR REFUND-*
21 *ABLE CREDIT.—*Subsection (d)(1)(B)(i) *shall be ap-*
22 *plied by substituting ‘\$2,500’ for ‘\$3,000’.*

23 “(8) *SOCIAL SECURITY NUMBER REQUIRED.—*No
24 *credit shall be allowed under subsection (d) to a tax-*
25 *payer with respect to any qualifying child unless the*

1 *taxpayer includes the social security number of such*
2 *child on the return of tax for the taxable year. For*
3 *purposes of the preceding sentence, the term ‘social se-*
4 *curity number’ means a social security number issued*
5 *to an individual by the Social Security Administra-*
6 *tion, but only if the social security number is issued*
7 *to a citizen of the United States or is issued pursuant*
8 *to subclause (I) (or that portion of subclause (III)*
9 *that relates to subclause (I)) of section 205(c)(2)(B)(i)*
10 *of the Social Security Act.”.*

11 ***(b) EFFECTIVE DATE.***—*The amendment made by this*
12 *section shall apply to taxable years beginning after Decem-*
13 *ber 31, 2017.*

14 **SEC. 11023. INCREASED LIMITATION FOR CERTAIN CHARI-**
15 **TABLE CONTRIBUTIONS.**

16 ***(a) IN GENERAL.***—*Section 170(b)(1) is amended by*
17 *redesignating subparagraph (G) as subparagraph (H) and*
18 *by inserting after subparagraph (F) the following new sub-*
19 *paragraph:*

20 ***“(G) INCREASED LIMITATION FOR CASH***
21 ***CONTRIBUTIONS.—***

22 ***“(i) IN GENERAL.***—*In the case of any*
23 *contribution of cash to an organization de-*
24 *scribed in subparagraph (A), the total*
25 *amount of such contributions which may be*

1 *taken into account under subsection (a) for*
2 *any taxable year beginning after December*
3 *31, 2017, and before January 1, 2026, shall*
4 *not exceed 60 percent of the taxpayer’s con-*
5 *tribution base for such year.*

6 “(ii) *CARRYOVER.*—*If the aggregate*
7 *amount of contributions described in clause*
8 *(i) exceeds the applicable limitation under*
9 *clause (i) for any taxable year described in*
10 *such clause, such excess shall be treated (in*
11 *a manner consistent with the rules of sub-*
12 *section (d)(1)) as a charitable contribution*
13 *to which clause (i) applies in each of the 5*
14 *succeeding years in order of time.*

15 “(iii) *COORDINATION WITH SUBPARA-*
16 *GRAPHS (A) AND (B).*—

17 “(I) *IN GENERAL.*—*Contributions*
18 *taken into account under this subpara-*
19 *graph shall not be taken into account*
20 *under subparagraph (A).*

21 “(II) *LIMITATION REDUCTION.*—
22 *For each taxable year described in*
23 *clause (i), and each taxable year to*
24 *which any contribution under this sub-*
25 *paragraph is carried over under clause*

1 (ii), subparagraph (A) shall be applied
2 by reducing (but not below zero) the
3 contribution limitation allowed for the
4 taxable year under such subparagraph
5 by the aggregate contributions allowed
6 under this subparagraph for such tax-
7 able year, and subparagraph (B) shall
8 be applied by treating any reference to
9 subparagraph (A) as a reference to
10 both subparagraph (A) and this sub-
11 paragraph.”.

12 (b) *EFFECTIVE DATE.*—The amendment made by this
13 section shall apply to contributions in taxable years begin-
14 ning after December 31, 2017.

15 **SEC. 11024. INCREASED CONTRIBUTIONS TO ABLE AC-**
16 **COUNTS.**

17 (a) *INCREASE IN LIMITATION FOR CONTRIBUTIONS*
18 *FROM COMPENSATION OF INDIVIDUALS WITH DISABIL-*
19 *ITIES.*—

20 (1) *IN GENERAL.*—Section 529A(b)(2)(B) is
21 amended to read as follows:

22 “(B) except in the case of contributions
23 under subsection (c)(1)(C), if such contribution
24 to an ABLE account would result in aggregate
25 contributions from all contributors to the ABLE

1 *account for the taxable year exceeding the sum*
2 *of—*

3 *“(i) the amount in effect under section*
4 *2503(b) for the calendar year in which the*
5 *taxable year begins, plus*

6 *“(ii) in the case of any contribution by*
7 *a designated beneficiary described in para-*
8 *graph (7) before January 1, 2026, the lesser*
9 *of—*

10 *“(I) compensation (as defined by*
11 *section 219(f)(1)) includible in the des-*
12 *ignated beneficiary’s gross income for*
13 *the taxable year, or*

14 *“(II) an amount equal to the pov-*
15 *erty line for a one-person household, as*
16 *determined for the calendar year pre-*
17 *ceding the calendar year in which the*
18 *taxable year begins.”.*

19 (2) *RESPONSIBILITY FOR CONTRIBUTION LIMITA-*
20 *TION.—Paragraph (2) of section 529A(b) is amended*
21 *by adding at the end the following: “A designated*
22 *beneficiary (or a person acting on behalf of such bene-*
23 *ficiary) shall maintain adequate records for purposes*
24 *of ensuring, and shall be responsible for ensuring,*

1 *that the requirements of subparagraph (B)(ii) are*
2 *met.”*

3 (3) *ELIGIBLE DESIGNATED BENEFICIARY.—Section*
4 *529A(b) is amended by adding at the end the fol-*
5 *lowing:*

6 “(7) *SPECIAL RULES RELATED TO CONTRIBU-*
7 *TION LIMIT.—For purposes of paragraph (2)(B)(ii)—*

8 “(A) *DESIGNATED BENEFICIARY.—A des-*
9 *ignated beneficiary described in this paragraph*
10 *is an employee (including an employee within*
11 *the meaning of section 401(c)) with respect to*
12 *whom—*

13 “(i) *no contribution is made for the*
14 *taxable year to a defined contribution plan*
15 *(within the meaning of section 414(i)) with*
16 *respect to which the requirements of section*
17 *401(a) or 403(a) are met,*

18 “(ii) *no contribution is made for the*
19 *taxable year to an annuity contract de-*
20 *scribed in section 403(b), and*

21 “(iii) *no contribution is made for the*
22 *taxable year to an eligible deferred com-*
23 *penetration plan described in section 457(b).*

24 “(B) *POVERTY LINE.—The term ‘poverty*
25 *line’ has the meaning given such term by section*

1 673 of the Community Services Block Grant Act
2 (42 U.S.C. 9902).”.

3 (b) *ALLOWANCE OF SAVER’S CREDIT FOR ABLE CON-*
4 *TRIBUTIONS BY ACCOUNT HOLDER.*—Section 25B(d)(1) is
5 amended by striking “and” at the end of subparagraph
6 (B)(ii), by striking the period at the end of subparagraph
7 (C) and inserting “, and”, and by inserting at the end the
8 following:

9 “(D) the amount of contributions made be-
10 fore January 1, 2026, by such individual to the
11 ABLE account (within the meaning of section
12 529A) of which such individual is the designated
13 beneficiary.”.

14 (c) *EFFECTIVE DATE.*—The amendments made by this
15 section shall apply to taxable years beginning after the date
16 of the enactment of this Act.

17 **SEC. 11025. ROLLOVERS TO ABLE PROGRAMS FROM 529**
18 **PROGRAMS.**

19 (a) *IN GENERAL.*—Clause (i) of section 529(c)(3)(C)
20 is amended by striking “or” at the end of subclause (I),
21 by striking the period at the end of subclause (II) and in-
22 serting “, or”, and by adding at the end the following:

23 “(III) before January 1, 2026, to
24 an ABLE account (as defined in sec-
25 tion 529A(e)(6)) of the designated bene-

1 *fiary or a member of the family of*
2 *the designated beneficiary.*

3 *Subclause (III) shall not apply to so much*
4 *of a distribution which, when added to all*
5 *other contributions made to the ABLE ac-*
6 *count for the taxable year, exceeds the limi-*
7 *tation under section 529A(b)(2)(B)(i).”.*

8 *(b) EFFECTIVE DATE.—The amendments made by this*
9 *section shall apply to distributions after the date of the en-*
10 *actment of this Act.*

11 **SEC. 11026. TREATMENT OF CERTAIN INDIVIDUALS PER-**
12 **FORMING SERVICES IN THE SINAI PENIN-**
13 **SULA OF EGYPT.**

14 *(a) IN GENERAL.—For purposes of the following provi-*
15 *sions of the Internal Revenue Code of 1986, with respect*
16 *to the applicable period, a qualified hazardous duty area*
17 *shall be treated in the same manner as if it were a combat*
18 *zone (as determined under section 112 of such Code):*

19 *(1) Section 2(a)(3) (relating to special rule*
20 *where deceased spouse was in missing status).*

21 *(2) Section 112 (relating to the exclusion of cer-*
22 *tain combat pay of members of the Armed Forces).*

23 *(3) Section 692 (relating to income taxes of*
24 *members of Armed Forces on death).*

1 (4) *Section 2201 (relating to members of the*
2 *Armed Forces dying in combat zone or by reason of*
3 *combat-zone-incurred wounds, etc.).*

4 (5) *Section 3401(a)(1) (defining wages relating*
5 *to combat pay for members of the Armed Forces).*

6 (6) *Section 4253(d) (relating to the taxation of*
7 *phone service originating from a combat zone from*
8 *members of the Armed Forces).*

9 (7) *Section 6013(f)(1) (relating to joint return*
10 *where individual is in missing status).*

11 (8) *Section 7508 (relating to time for performing*
12 *certain acts postponed by reason of service in combat*
13 *zone).*

14 (b) *QUALIFIED HAZARDOUS DUTY AREA.—For pur-*
15 *poses of this section, the term “qualified hazardous duty*
16 *area” means the Sinai Peninsula of Egypt, if as of the date*
17 *of the enactment of this section any member of the Armed*
18 *Forces of the United States is entitled to special pay under*
19 *section 310 of title 37, United States Code (relating to spe-*
20 *cial pay; duty subject to hostile fire or imminent danger),*
21 *for services performed in such location. Such term includes*
22 *such location only during the period such entitlement is in*
23 *effect.*

24 (c) *APPLICABLE PERIOD.—*

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), the applicable period is—*

3 (A) *the portion of the first taxable year end-*
4 *ing after June 9, 2015, which begins on such*
5 *date, and*

6 (B) *any subsequent taxable year beginning*
7 *before January 1, 2026.*

8 (2) *WITHHOLDING.*—*In the case of subsection*
9 *(a)(5), the applicable period is—*

10 (A) *the portion of the first taxable year end-*
11 *ing after the date of the enactment of this Act*
12 *which begins on such date, and*

13 (B) *any subsequent taxable year beginning*
14 *before January 1, 2026.*

15 (d) *EFFECTIVE DATE.*—

16 (1) *IN GENERAL.*—*Except as provided in para-*
17 *graph (2), the provisions of this section shall take ef-*
18 *fect on June 9, 2015.*

19 (2) *WITHHOLDING.*—*Subsection (a)(5) shall*
20 *apply to remuneration paid after the date of the en-*
21 *actment of this Act.*

1 **SEC. 11027. EXTENSION OF WAIVER OF LIMITATIONS WITH**
2 **RESPECT TO EXCLUDING FROM GROSS IN-**
3 **COME AMOUNTS RECEIVED BY WRONGFULLY**
4 **INCARCERATED INDIVIDUALS.**

5 (a) *IN GENERAL.*—Section 304(d) of the Protecting
6 Americans from Tax Hikes Act of 2015 (26 U.S.C. 139F
7 note) is amended by striking “1-year” and inserting “2-
8 year”.

9 (b) *EFFECTIVE DATE.*—The amendments made by this
10 section shall take effect on the date of the enactment of this
11 Act.

12 **SEC. 11028. TEMPORARY REDUCTION IN MEDICAL EXPENSE**
13 **DEDUCTION FLOOR.**

14 (a) *IN GENERAL.*—Subsection (f) of section 213 is
15 amended to read as follows:

16 “(f) *SPECIAL RULES FOR 2013 THROUGH 2018.*—In
17 the case of any taxable year—

18 “(1) beginning after December 31, 2012, and
19 ending before January 1, 2017, in the case of a tax-
20 payer if such taxpayer or such taxpayer’s spouse has
21 attained age 65 before the close of such taxable year,
22 and

23 “(2) beginning after December 31, 2016, and
24 ending before January 1, 2019, in the case of any
25 taxpayer,

1 subsection (a) shall be applied with respect to a taxpayer
2 by substituting ‘7.5 percent’ for ‘10 percent’.”.

3 (b) *MINIMUM TAX PREFERENCE NOT TO APPLY.*—Sec-
4 tion 56(b)(1)(B) is amended by adding at the end the fol-
5 lowing new sentence: “This subparagraph shall not apply to
6 taxable years beginning after December 31, 2016, and end-
7 ing before January 1, 2019”.

8 (c) *EFFECTIVE DATE.*—The amendment made by this
9 section shall apply to taxable years beginning after Decem-
10 ber 31, 2016.

11 **SEC. 11029. RELIEF FOR 2016 DISASTER AREAS.**

12 (a) *IN GENERAL.*—For purposes of this section, the
13 term “2016 disaster area” means any area with respect to
14 which a major disaster has been declared by the President
15 under section 401 of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act during calendar year 2016.

17 (b) *SPECIAL RULES FOR USE OF RETIREMENT FUNDS*
18 *WITH RESPECT TO AREAS DAMAGED BY 2016 DISAS-*
19 *TERS.*—

20 (1) *TAX-FAVORED WITHDRAWALS FROM RETIRE-*
21 *MENT PLANS.*—

22 (A) *IN GENERAL.*—Section 72(t) of the In-
23 ternal Revenue Code of 1986 shall not apply to
24 any qualified 2016 disaster distribution.

25 (B) *AGGREGATE DOLLAR LIMITATION.*—

1 (i) *IN GENERAL.*—*For purposes of this*
2 *subsection, the aggregate amount of dis-*
3 *tributions received by an individual which*
4 *may be treated as qualified 2016 disaster*
5 *distributions for any taxable year shall not*
6 *exceed the excess (if any) of—*

7 (I) *\$100,000, over*

8 (II) *the aggregate amounts treated*
9 *as qualified 2016 disaster distributions*
10 *received by such individual for all*
11 *prior taxable years.*

12 (ii) *TREATMENT OF PLAN DISTRIBUTIONS.*—*If a distribution to an individual*
13 *would (without regard to clause (i)) be a*
14 *qualified 2016 disaster distribution, a plan*
15 *shall not be treated as violating any re-*
16 *quirement of this title merely because the*
17 *plan treats such distribution as a qualified*
18 *2016 disaster distribution, unless the aggre-*
19 *gate amount of such distributions from all*
20 *plans maintained by the employer (and any*
21 *member of any controlled group which in-*
22 *cludes the employer) to such individual ex-*
23 *ceeds \$100,000.*
24

1 (iii) *CONTROLLED GROUP.*—For pur-
2 poses of clause (ii), the term “controlled
3 group” means any group treated as a single
4 employer under subsection (b), (c), (m), or
5 (o) of section 414 of the Internal Revenue
6 Code of 1986.

7 (C) *AMOUNT DISTRIBUTED MAY BE RE-*
8 *PAID.*—

9 (i) *IN GENERAL.*—Any individual who
10 receives a qualified 2016 disaster distribu-
11 tion may, at any time during the 3-year
12 period beginning on the day after the date
13 on which such distribution was received,
14 make one or more contributions in an ag-
15 gregate amount not to exceed the amount of
16 such distribution to an eligible retirement
17 plan of which such individual is a bene-
18 ficiary and to which a rollover contribution
19 of such distribution could be made under
20 section 402(c), 403(a)(4), 403(b)(8),
21 408(d)(3), or 457(e)(16) of the Internal Rev-
22 enue Code of 1986, as the case may be.

23 (ii) *TREATMENT OF REPAYMENTS OF*
24 *DISTRIBUTIONS FROM ELIGIBLE RETIRE-*
25 *MENT PLANS OTHER THAN IRAS.*—For pur-

1 poses of the Internal Revenue Code of 1986,
2 if a contribution is made pursuant to clause
3 (i) with respect to a qualified 2016 disaster
4 distribution from an eligible retirement
5 plan other than an individual retirement
6 plan, then the taxpayer shall, to the extent
7 of the amount of the contribution, be treated
8 as having received the qualified 2016 dis-
9 aster distribution in an eligible rollover dis-
10 tribution (as defined in section 402(c)(4) of
11 the Internal Revenue Code of 1986) and as
12 having transferred the amount to the eligi-
13 ble retirement plan in a direct trustee to
14 trustee transfer within 60 days of the dis-
15 tribution.

16 (iii) *TREATMENT OF REPAYMENTS FOR*
17 *DISTRIBUTIONS FROM IRAS.*—For purposes
18 of the Internal Revenue Code of 1986, if a
19 contribution is made pursuant to clause (i)
20 with respect to a qualified 2016 disaster
21 distribution from an individual retirement
22 plan (as defined by section 7701(a)(37) of
23 the Internal Revenue Code of 1986), then, to
24 the extent of the amount of the contribution,
25 the qualified 2016 disaster distribution

1 *shall be treated as a distribution described*
2 *in section 408(d)(3) of such Code and as*
3 *having been transferred to the eligible re-*
4 *irement plan in a direct trustee to trustee*
5 *transfer within 60 days of the distribution.*

6 (D) *DEFINITIONS.—For purposes of this*
7 *paragraph—*

8 (i) *QUALIFIED 2016 DISASTER DIS-*
9 *TRIBUTION.—Except as provided in sub-*
10 *paragraph (B), the term “qualified 2016*
11 *disaster distribution” means any distribu-*
12 *tion from an eligible retirement plan made*
13 *on or after January 1, 2016, and before*
14 *January 1, 2018, to an individual whose*
15 *principal place of abode at any time during*
16 *calendar year 2016 was located in a dis-*
17 *aster area described in subsection (a) and*
18 *who has sustained an economic loss by rea-*
19 *son of the events giving rise to the Presi-*
20 *dential declaration described in subsection*
21 *(a) which was applicable to such area.*

22 (ii) *ELIGIBLE RETIREMENT PLAN.—*
23 *The term “eligible retirement plan” shall*
24 *have the meaning given such term by sec-*

1 *tion 402(c)(8)(B) of the Internal Revenue*
2 *Code of 1986.*

3 *(E) INCOME INCLUSION SPREAD OVER 3-*
4 *YEAR PERIOD.—*

5 *(i) IN GENERAL.—In the case of any*
6 *qualified 2016 disaster distribution, unless*
7 *the taxpayer elects not to have this subpara-*
8 *graph apply for any taxable year, any*
9 *amount required to be included in gross in-*
10 *come for such taxable year shall be so in-*
11 *cluded ratably over the 3-taxable-year pe-*
12 *riod beginning with such taxable year.*

13 *(ii) SPECIAL RULE.—For purposes of*
14 *clause (i), rules similar to the rules of sub-*
15 *paragraph (E) of section 408A(d)(3) of the*
16 *Internal Revenue Code of 1986 shall apply.*

17 *(F) SPECIAL RULES.—*

18 *(i) EXEMPTION OF DISTRIBUTIONS*
19 *FROM TRUSTEE TO TRUSTEE TRANSFER AND*
20 *WITHHOLDING RULES.—For purposes of sec-*
21 *tions 401(a)(31), 402(f), and 3405 of the*
22 *Internal Revenue Code of 1986, qualified*
23 *2016 disaster distribution shall not be treat-*
24 *ed as eligible rollover distributions.*

1 (ii) *QUALIFIED 2016 DISASTER DIS-*
2 *TRIBUTIONS TREATED AS MEETING PLAN*
3 *DISTRIBUTION REQUIREMENTS.—For pur-*
4 *poses of the Internal Revenue Code of 1986,*
5 *a qualified 2016 disaster distribution shall*
6 *be treated as meeting the requirements of*
7 *sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii),*
8 *403(b)(11), and 457(d)(1)(A) of the Internal*
9 *Revenue Code of 1986.*

10 (2) *PROVISIONS RELATING TO PLAN AMEND-*
11 *MENTS.—*

12 (A) *IN GENERAL.—If this paragraph ap-*
13 *plies to any amendment to any plan or annuity*
14 *contract, such plan or contract shall be treated*
15 *as being operated in accordance with the terms*
16 *of the plan during the period described in sub-*
17 *paragraph (B)(i)(I).*

18 (B) *AMENDMENTS TO WHICH SUBSECTION*
19 *APPLIES.—*

20 (i) *IN GENERAL.—This paragraph*
21 *shall apply to any amendment to any plan*
22 *or annuity contract which is made—*

23 (I) *pursuant to any provision of*
24 *this section, or pursuant to any regula-*

1 *tion under any provision of this sec-*
2 *tion; and*

3 *(II) on or before the last day of*
4 *the first plan year beginning on or*
5 *after January 1, 2018, or such later*
6 *date as the Secretary prescribes.*

7 *In the case of a governmental plan (as de-*
8 *defined in section 414(d) of the Internal Rev-*
9 *enue Code of 1986), subclause (II) shall be*
10 *applied by substituting the date which is 2*
11 *years after the date otherwise applied under*
12 *subclause (II).*

13 *(ii) CONDITIONS.—This paragraph*
14 *shall not apply to any amendment unless—*

15 *(I) during the period—*

16 *(aa) beginning on the date*
17 *that this section or the regulation*
18 *described in clause (i)(I) takes ef-*
19 *fect (or in the case of a plan or*
20 *contract amendment not required*
21 *by this section or such regulation,*
22 *the effective date specified by the*
23 *plan); and*

24 *(bb) ending on the date de-*
25 *scribed in clause (i)(II) (or, if*

1 earlier, the date the plan or con-
2 tract amendment is adopted),
3 the plan or contract is operated as if
4 such plan or contract amendment were
5 in effect; and

6 (II) such plan or contract amend-
7 ment applies retroactively for such pe-
8 riod.

9 (c) *SPECIAL RULES FOR PERSONAL CASUALTY LOSSES*
10 *RELATED TO 2016 MAJOR DISASTER.*—

11 (1) *IN GENERAL.*—*If an individual has a net*
12 *disaster loss for any taxable year beginning after De-*
13 *cember 31, 2017, and before January 1, 2026—*

14 (A) *the amount determined under section*
15 *165(h)(2)(A)(ii) of the Internal Revenue Code of*
16 *1986 shall be equal to the sum of—*

17 (i) *such net disaster loss, and*

18 (ii) *so much of the excess referred to in*
19 *the matter preceding clause (i) of section*
20 *165(h)(2)(A) of such Code (reduced by the*
21 *amount in clause (i) of this subparagraph)*
22 *as exceeds 10 percent of the adjusted gross*
23 *income of the individual,*

24 (B) *section 165(h)(1) of such Code shall be*
25 *applied by substituting “\$500” for “\$500 (\$100*

1 *for taxable years beginning after December 31,*
2 *2009)*”,

3 (C) *the standard deduction determined*
4 *under section 63(c) of such Code shall be in-*
5 *creased by the net disaster loss, and*

6 (D) *section 56(b)(1)(E) of such Code shall*
7 *not apply to so much of the standard deduction*
8 *as is attributable to the increase under subpara-*
9 *graph (C) of this paragraph.*

10 (2) *NET DISASTER LOSS.—For purposes of this*
11 *subsection, the term “net disaster loss” means the ex-*
12 *cess of qualified disaster-related personal casualty*
13 *losses over personal casualty gains (as defined in sec-*
14 *tion 165(h)(3)(A) of the Internal Revenue Code of*
15 *1986).*

16 (3) *QUALIFIED DISASTER-RELATED PERSONAL*
17 *CASUALTY LOSSES.—For purposes of this paragraph,*
18 *the term “qualified disaster-related personal casualty*
19 *losses” means losses described in section 165(c)(3) of*
20 *the Internal Revenue Code of 1986 which arise in a*
21 *disaster area described in subsection (a) on or after*
22 *January 1, 2016, and which are attributable to the*
23 *events giving rise to the Presidential declaration de-*
24 *scribed in subsection (a) which was applicable to such*
25 *area.*

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PART IV—EDUCATION

**SEC. 11031. TREATMENT OF STUDENT LOANS DISCHARGED
ON ACCOUNT OF DEATH OR DISABILITY.**

(a) IN GENERAL.—Section 108(f) is amended by adding at the end the following new paragraph:

“(5) DISCHARGES ON ACCOUNT OF DEATH OR DISABILITY.—

“(A) IN GENERAL.—In the case of an individual, gross income for any taxable year beginning after December 31, 2017, and before January 1, 2026, does not include any amount which (but for this subsection) would be includible in gross income for such taxable year by reasons of the discharge (in whole or in part) of any loan described in subparagraph (B) if such discharge was—

“(i) pursuant to subsection (a) or (d) of section 437 of the Higher Education Act of 1965 or the parallel benefit under part D of title IV of such Act (relating to the repayment of loan liability),

“(ii) pursuant to section 464(c)(1)(F) of such Act, or

“(iii) otherwise discharged on account of the death or total and permanent disability of the student.

1 “(B) *LOANS DESCRIBED.*—A loan is de-
2 scribed in this subparagraph if such loan is—

3 “(i) a student loan (as defined in
4 paragraph (2)), or

5 “(ii) a private education loan (as de-
6 fined in section 140(7) of the Consumer
7 Credit Protection Act (15 U.S.C.
8 1650(7))).”.

9 (b) *EFFECTIVE DATE.*—The amendment made by this
10 section shall apply to discharges of indebtedness after De-
11 cember 31, 2017.

12 **SEC. 11032. INCREASE IN DEDUCTION FOR TEACHER EX-**
13 **PENSES.**

14 (a) *IN GENERAL.*—Subparagraph (D) of section
15 62(a)(2) is amended by striking “\$250” and inserting
16 “\$250 (\$500 in the case of taxable years beginning after
17 December 31, 2017, and before January 1, 2026)”.

18 (b) *EFFECTIVE DATE.*—The amendment made by this
19 section shall apply to taxable years beginning after Decem-
20 ber 31, 2017.

21 **SEC. 11033. 529 ACCOUNT FUNDING FOR ELEMENTARY AND**
22 **SECONDARY EDUCATION.**

23 (a) *IN GENERAL.*—

24 (1) *IN GENERAL.*—Section 529(c) is amended by
25 adding at the end the following new paragraph:

1 “(7) *TREATMENT OF ELEMENTARY AND SEC-*
2 *ONDARY TUITION.*—Any reference in this subsection to
3 the term ‘qualified higher education expense’ shall in-
4 clude a reference to—

5 “(A) expenses for tuition in connection with
6 enrollment or attendance at an elementary or
7 secondary public, private, or religious school,
8 and

9 “(B) expenses for—

10 “(i) curriculum and curricular mate-
11 rials,

12 “(ii) books or other instructional mate-
13 rials,

14 “(iii) online educational materials,

15 “(iv) tuition for tutoring or edu-
16 cational classes outside of the home (but
17 only if the tutor or instructor is not related
18 to the student),

19 “(v) dual enrollment in an institution
20 of higher education, and

21 “(vi) educational therapies for students
22 with disabilities,

23 in connection with a homeschool (whether treated
24 as a homeschool or a private school for purposes
25 of applicable State law).”.

1 (2) *LIMITATION.*—Section 529(e)(3)(A) is
2 amended by adding at the end the following: “The
3 amount of cash distributions from all qualified tui-
4 tion programs described in subsection (b)(1)(A)(ii)
5 with respect to a beneficiary during any taxable year
6 shall, in the aggregate, include not more than \$10,000
7 in expenses described in subsection (c)(7) incurred
8 during the taxable year.”.

9 (b) *EFFECTIVE DATE.*—The amendments made by sub-
10 section (a) shall apply to contributions made after Decem-
11 ber 31, 2017.

12 (c) *OFFSET.*—

13 (1) *MODIFICATION OF RULES RELATING TO*
14 *HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED*
15 *ARRANGEMENTS.*—Section 401(k) is amended by add-
16 ing at the end the following:

17 “(14) *SPECIAL RULES RELATING TO HARDSHIP*
18 *WITHDRAWALS.*—For purposes of paragraph
19 (2)(B)(i)(IV)—

20 “(A) *AMOUNTS WHICH MAY BE WITH-*
21 *DRAWN.*—The following amounts may be distrib-
22 uted upon hardship of the employee:

23 “(i) Contributions to a profit-sharing
24 or stock bonus plan to which section
25 402(e)(3) applies.

1 “(ii) *Qualified nonelective contribu-*
2 *tions (as defined in subsection (m)(4)(C)).*

3 “(iii) *Qualified matching contributions*
4 *described in paragraph (3)(D)(ii)(I).*

5 “(iv) *Earnings on any contributions*
6 *described in clause (i), (ii), or (iii).*

7 “(B) *NO REQUIREMENT TO TAKE AVAIL-*
8 *ABLE LOAN.—A distribution shall not be treated*
9 *as failing to be made upon the hardship of an*
10 *employee solely because the employee does not*
11 *take any available loan under the plan.”.*”

12 (2) *CONFORMING AMENDMENT.—Section*
13 *401(k)(2)(B)(i)(IV) is amended to read as follows:*

14 “(IV) *subject to the provisions of*
15 *paragraph (14), upon hardship of the*
16 *employee, or”.*”

17 (3) *EFFECTIVE DATE.—The amendments made*
18 *by this subsection shall apply to plan years beginning*
19 *after December 31, 2017.*

20 ***PART V—DEDUCTIONS AND EXCLUSIONS***

21 ***SEC. 11041. SUSPENSION OF DEDUCTION FOR PERSONAL***
22 ***EXEMPTIONS.***

23 (a) *IN GENERAL.—Subsection (d) of section 151 is*
24 *amended—*

1 (1) by striking “In the case of” in paragraph (4)
2 and inserting “Except as provided in paragraph (5),
3 in the case of”, and

4 (2) by adding at the end the following new para-
5 graph:

6 “(5) *SPECIAL RULES FOR TAXABLE YEARS 2018*
7 *THROUGH 2025.*—In the case of a taxable year begin-
8 ning after December 31, 2017, and before January 1,
9 2026—

10 “(A) *EXEMPTION AMOUNT.*—The term ‘ex-
11 emption amount’ means zero.

12 “(B) *REFERENCES.*—For purposes of any
13 other provision of this title, the reduction of the
14 exemption amount to zero under subparagraph
15 (A) shall not be taken into account in deter-
16 mining whether a deduction is allowed or allow-
17 able, or whether a taxpayer is entitled to a de-
18 duction, under this section.”.

19 (b) *APPLICATION TO ESTATES AND TRUSTS.*—Section
20 642(b)(2)(C) is amended by adding at the end the following
21 new clause:

22 “(iii) *YEARS WHEN PERSONAL EXEMP-*
23 *TION AMOUNT IS ZERO.*—

24 “(I) *IN GENERAL.*—In the case of
25 any taxable year in which the exemp-

1 *tion amount under section 151(d) is*
2 *zero, clause (i) shall be applied by sub-*
3 *stituting ‘\$4,150’ for ‘the exemption*
4 *amount under section 151(d)’.*

5 *“(II) INFLATION ADJUSTMENT.—*
6 *In the case of any calendar year begin-*
7 *ning after 2018, the \$4,150 amount in*
8 *subparagraph (A) shall be increased by*
9 *an amount equal to—*

10 *“(aa) such dollar amount,*
11 *multiplied by*

12 *“(bb) the cost-of-living ad-*
13 *justment determined under section*
14 *1(f)(3) for the calendar year in*
15 *which the taxable year begins, de-*
16 *termined by substituting ‘2017’*
17 *for ‘2016’ in subparagraph (A)(ii)*
18 *thereof.*

19 *If any increase determined under the*
20 *preceding sentence is not a multiple of*
21 *\$100, such increase shall be rounded to*
22 *the next lowest multiple of \$100.”.*

23 *(c) EXCEPTION FOR WAGE WITHHOLDING RULES.—*
24 *Section 3402(a) is amended by adding at the end the fol-*
25 *lowing new paragraph:*

1 “(3) YEARS WHEN PERSONAL EXEMPTION
2 AMOUNT IS ZERO.—

3 “(A) IN GENERAL.—*In the case of any tax-*
4 *able year in which the exemption amount under*
5 *section 151(d) is zero, paragraph (2) shall be ap-*
6 *plied by substituting ‘\$4,150’ for ‘the amount of*
7 *one personal exemption provided in section*
8 *151(b)’.*

9 “(B) INFLATION ADJUSTMENT.—*In the case*
10 *of any calendar year beginning after 2018, the*
11 *\$4,150 amount in subparagraph (A) shall be in-*
12 *creased by an amount equal to—*

13 “(i) *such dollar amount, multiplied by*

14 “(ii) *the cost-of-living adjustment de-*
15 *termined under section 1(f)(3) for the cal-*
16 *endar year in which the taxable year be-*
17 *gins, determined by substituting ‘2017’ for*
18 *‘2016’ in subparagraph (A)(ii) thereof.*

19 *If any increase determined under the preceding*
20 *sentence is not a multiple of \$100, such increase*
21 *shall be rounded to the next lowest multiple of*
22 *\$100.”.*

23 (d) EXCEPTION FOR DETERMINING PROPERTY EX-
24 EMPT FROM LEVY.—*Section 6334(d) is amended by adding*
25 *at the end the following new paragraph:*

1 “(4) YEARS WHEN PERSONAL EXEMPTION
2 AMOUNT IS ZERO.—

3 “(A) IN GENERAL.—*In the case of any tax-*
4 *able year in which the exemption amount under*
5 *section 151(d) is zero, paragraph (2) shall not*
6 *apply and for purposes of paragraph (1) the*
7 *term ‘exempt amount’ means an amount equal*
8 *to—*

9 “(i) *the sum of the amount determined*
10 *under subparagraph (B) and the standard*
11 *deduction, divided by*

12 “(ii) 52.

13 “(B) AMOUNT DETERMINED.—*For purposes*
14 *of subparagraph (A), the amount determined*
15 *under this subparagraph is \$4,150 multiplied by*
16 *the number of the taxpayer’s dependents for the*
17 *taxable year in which the levy occurs.*

18 “(C) INFLATION ADJUSTMENT.—*In the case*
19 *of any taxable year beginning after 2018, the*
20 *\$4,150 amount in subparagraph (B) shall be in-*
21 *creased by an amount equal to—*

22 “(i) *such dollar amount, multiplied by*

23 “(ii) *the cost-of-living adjustment de-*
24 *termined under section 1(f)(3) for the cal-*
25 *endar year in which the taxable year be-*

1 gins, determined by substituting ‘2017’ for
2 ‘2016’ in subparagraph (A)(ii) thereof.

3 If any increase determined under the preceding
4 sentence is not a multiple of \$100, such increase
5 shall be rounded to the next lowest multiple of
6 \$100.

7 “(D) *VERIFIED STATEMENT.*—Unless the
8 taxpayer submits to the Secretary a written and
9 properly verified statement specifying the facts
10 necessary to determine the proper amount under
11 subparagraph (A), subparagraph (A) shall be ap-
12 plied as if the taxpayer were a married indi-
13 vidual filing a separate return with no depend-
14 ents.”.

15 (e) *PERSONS REQUIRED TO MAKE RETURNS OF IN-*
16 *COME.*—Section 6012 is amended by adding at the end the
17 following new subsection:

18 “(f) *SPECIAL RULE FOR TAXABLE YEARS 2018*
19 *THROUGH 2025.*—In the case of a taxable year beginning
20 after December 31, 2017, and before January 1, 2026, sub-
21 section (a)(1) shall not apply, and every individual who
22 has gross income for the taxable year shall be required to
23 make returns with respect to income taxes under subtitle
24 A, except that a return shall not be required of—

1 “(1) an individual who is not married (deter-
2 mined by applying section 7703) and who has gross
3 income for the taxable year which does not exceed the
4 standard deduction applicable to such individual for
5 such taxable year under section 63, or

6 “(2) an individual entitled to make a joint re-
7 turn if—

8 “(A) the gross income of such individual,
9 when combined with the gross income of such in-
10 dividual’s spouse, for the taxable year does not
11 exceed the standard deduction which would be
12 applicable to the taxpayer for such taxable year
13 under section 63 if such individual and such in-
14 dividual’s spouse made a joint return,

15 “(B) such individual and such individual’s
16 spouse have the same household as their home at
17 the close of the taxable year,

18 “(C) such individual’s spouse does not make
19 a separate return, and

20 “(D) neither such individual nor such indi-
21 vidual’s spouse is an individual described in sec-
22 tion 63(c)(5) who has income (other than earned
23 income) in excess of the amount in effect under
24 section 63(c)(5)(A).”.

1 (f) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2017.*

4 **SEC. 11042. SUSPENSION OF DEDUCTION FOR STATE AND**
5 **LOCAL, ETC. TAXES.**

6 (a) *IN GENERAL.*—*Subsection (b) of section 164 is*
7 *amended by adding at the end the following new paragraph:*

8 “(6) *SUSPENSION OF INDIVIDUAL DEDUCTIONS*
9 *FOR TAXABLE YEARS 2018 THROUGH 2025.*—*In the case*
10 *of an individual and a taxable year beginning after*
11 *December 31, 2017, and before January 1, 2026—*

12 “(A) *foreign real property taxes (other than*
13 *taxes which are paid or accrued in carrying on*
14 *a trade or business or an activity described in*
15 *section 212) shall not be taken into account*
16 *under subsection (a)(1),*

17 “(B) *the aggregate amount of taxes (other*
18 *than taxes which are paid or accrued in car-*
19 *rying on a trade or business or an activity de-*
20 *scribed in section 212) taken into account under*
21 *subsection (a)(1) for any taxable year shall not*
22 *exceed \$10,000 (\$5,000 in the case of a married*
23 *individual filing a separate return),*

24 “(C) *subsection (a)(2) shall only apply to*
25 *taxes which are paid or accrued in carrying on*

1 *a trade or business or an activity described in*
2 *section 212,*

3 “(D) subsection (a)(3) shall not apply to
4 State and local taxes, and

5 “(E) paragraph (5) shall not apply.”.

6 (b) *EFFECTIVE DATE.*—*The amendment made by this*
7 *section shall apply to taxable years beginning after Decem-*
8 *ber 31, 2017.*

9 **SEC. 11043. SUSPENSION OF DEDUCTION FOR HOME EQ-**
10 **UITY INTEREST.**

11 (a) *IN GENERAL.*—*Section 163(h)(3)(A)(ii) is amend-*
12 *ed by inserting “in the case of taxable years beginning be-*
13 *fore January 1, 2018, or after December 31, 2025,” before*
14 *“home equity indebtedness”.*

15 (b) *EFFECTIVE DATE.*—*The amendment made by this*
16 *section shall apply to taxable years ending after December*
17 *31, 2017.*

18 **SEC. 11044. MODIFICATION OF DEDUCTION FOR PERSONAL**
19 **CASUALTY LOSSES.**

20 (a) *IN GENERAL.*—*Subsection (h) of section 165 is*
21 *amended by adding at the end the following new paragraph:*

22 “(5) *LIMITATION FOR TAXABLE YEARS 2018*
23 *THROUGH 2025.*—*In the case of an individual, any*
24 *loss described in subsection (c)(3) which (but for this*
25 *paragraph) would be deductible in a taxable year be-*

1 *ginning after December 31, 2017, and before January*
2 *1, 2026, shall be allowed only to the extent it is at-*
3 *tributable to a Federally declared disaster (as defined*
4 *in subsection (i)(5)). The preceding sentence shall not*
5 *apply to any deduction under section 172 which is*
6 *carried to such a taxable year from a taxable year be-*
7 *ginning before January 1, 2018.”.*

8 *(b) EFFECTIVE DATE.—The amendment made by this*
9 *section shall apply to losses incurred in taxable years begin-*
10 *ning after December 31, 2017.*

11 **SEC. 11045. SUSPENSION OF MISCELLANEOUS ITEMIZED**
12 **DEDUCTIONS.**

13 *(a) IN GENERAL.—Section 67 is amended by adding*
14 *at the end the following new subsection:*

15 *“(g) SUSPENSION FOR TAXABLE YEARS 2018*
16 *THROUGH 2025.—Notwithstanding subsection (a), no mis-*
17 *cellaneous itemized deduction shall be allowed for any tax-*
18 *able year beginning after December 31, 2017, and before*
19 *January 1, 2026.”.*

20 *(b) EFFECTIVE DATE.—The amendment made by this*
21 *section shall apply to taxable years beginning after Decem-*
22 *ber 31, 2017.*

1 **SEC. 11046. SUSPENSION OF OVERALL LIMITATION ON**
2 **ITEMIZED DEDUCTIONS.**

3 (a) *IN GENERAL.*—Section 68 is amended by adding
4 at the end the following new subsection:

5 “(f) *SECTION NOT TO APPLY.*—This section shall not
6 apply to any taxable year beginning after December 31,
7 2017, and before January 1, 2026.”.

8 (b) *EFFECTIVE DATE.*—The amendments made by this
9 section shall apply to taxable years beginning after Decem-
10 ber 31, 2017.

11 **SEC. 11047. MODIFICATION OF EXCLUSION OF GAIN FROM**
12 **SALE OF PRINCIPAL RESIDENCE.**

13 (a) *IN GENERAL.*—Section 121 is amended by adding
14 at the end the following new subsection:

15 “(h) *SPECIAL RULES FOR SALES OR EXCHANGES IN*
16 *TAXABLE YEARS 2018 THROUGH 2025.*—

17 “(1) *IN GENERAL.*—In applying this section
18 with respect to sales or exchanges after December 31,
19 2017, and before January 1, 2026—

20 “(A) ‘8-year’ shall be substituted for ‘5-year’
21 each place it appears in subsections (a),
22 (b)(5)(C)(ii)(I), and (c)(1)(B)(i)(I) and para-
23 graphs (7), (9), (10), and (12) of subsection (d),

24 “(B) ‘5 years’ shall be substituted for ‘2
25 years’ each place it appears in subsections (a),

1 (b)(3), (b)(4), (b)(5)(C)(ii)(III), and
2 (c)(1)(B)(ii), and

3 “(C) ‘5-year’ shall be substituted for ‘2-year’
4 in subsection (b)(3).

5 “(2) *EXCEPTION FOR BINDING CONTRACTS.*—
6 *Paragraph (1) shall not apply to any sale or ex-*
7 *change with respect to which there was a written*
8 *binding contract in effect before January 1, 2018, and*
9 *at all times thereafter before the sale or exchange.”.*

10 (b) *EFFECTIVE DATE.*—*The amendment made by this*
11 *section shall apply to sales and exchanges after December*
12 *31, 2017.*

13 **SEC. 11048. SUSPENSION OF EXCLUSION FOR QUALIFIED BI-**
14 **CYCLE COMMUTING REIMBURSEMENT.**

15 (a) *IN GENERAL.*—*Section 132(f) is amended by add-*
16 *ing at the end the following new paragraph:*

17 “(8) *SUSPENSION OF QUALIFIED BICYCLE COM-*
18 *MUTING REIMBURSEMENT EXCLUSION.*—*Paragraph*
19 *(1)(D) shall not apply to any taxable year beginning*
20 *after December 31, 2017, and before January 1,*
21 *2026.”.*

22 (b) *EFFECTIVE DATE.*—*The amendment made by this*
23 *section shall apply to taxable years beginning after Decem-*
24 *ber 31, 2017.*

1 **SEC. 11049. SUSPENSION OF EXCLUSION FOR QUALIFIED**
2 **MOVING EXPENSE REIMBURSEMENT.**

3 (a) *IN GENERAL.*—Section 132(g) is amended—

4 (1) by striking “For purposes of this section, the
5 term” and inserting “For purposes of this section—

6 “(1) *IN GENERAL.*—The term”, and

7 (2) by adding at the end the following new para-
8 graph:

9 “(2) *SUSPENSION FOR TAXABLE YEARS 2018*
10 *THROUGH 2025.*—Except in the case of a member of
11 the Armed Forces of the United States on active duty
12 who moves pursuant to a military order and incident
13 to a permanent change of station, subsection (a)(6)
14 shall not apply to any taxable year beginning after
15 December 31, 2017, and before January 1, 2026.”.

16 (b) *EFFECTIVE DATE.*—The amendments made by this
17 section shall apply to taxable years beginning after Decem-
18 ber 31, 2017.

19 **SEC. 11050. SUSPENSION OF DEDUCTION FOR MOVING EX-**
20 **PENSES.**

21 (a) *IN GENERAL.*—Section 217 is amended by adding
22 at the end the following new subsection:

23 “(k) *SUSPENSION OF DEDUCTION FOR TAXABLE*
24 *YEARS 2018 THROUGH 2025.*—Except in the case of an in-
25 dividual to whom subsection (g) applies, this section shall

1 *not apply to any taxable year beginning after December*
 2 *31, 2017, and before January 1, 2026.”.*

3 (b) *EFFECTIVE DATE.*—*The amendment made by this*
 4 *section shall apply to taxable years beginning after Decem-*
 5 *ber 31, 2017.*

6 **SEC. 11051. LIMITATION ON WAGERING LOSSES.**

7 (a) *IN GENERAL.*—*Section 165(d) is amended by add-*
 8 *ing at the end the following: “For purposes of the preceding*
 9 *sentence, in the case of taxable years beginning after Decem-*
 10 *ber 31, 2017, and before January 1, 2026, the term ‘losses*
 11 *from wagering transactions’ includes any deduction other-*
 12 *wise allowable under this chapter incurred in carrying on*
 13 *any wagering transaction.”.*

14 (b) *EFFECTIVE DATE.*—*The amendment made by this*
 15 *section shall apply to taxable years beginning after Decem-*
 16 *ber 31, 2017.*

17 **PART VI—INCREASE IN ESTATE AND GIFT TAX**

18 **EXEMPTION**

19 **SEC. 11061. INCREASE IN ESTATE AND GIFT TAX EXEMP-**
 20 **TION.**

21 (a) *IN GENERAL.*—*Section 2010(c)(3) is amended by*
 22 *adding at the end the following new subparagraph:*

23 “(C) *INCREASE IN BASIC EXCLUSION*
 24 *AMOUNT.*—*In the case of estates of decedents*
 25 *dying or gifts made after December 31, 2017,*

1 *and before January 1, 2026, subparagraph (A)*
2 *shall be applied by substituting ‘\$10,000,000’ for*
3 *‘\$5,000,000’.*

4 ***(b) CONFORMING AMENDMENT.—Subsection (g) of sec-***
5 ***tion 2001 is amended to read as follows:***

6 ***“(g) MODIFICATIONS TO TAX PAYABLE.—***

7 ***“(1) MODIFICATIONS TO GIFT TAX PAYABLE TO***
8 ***REFLECT DIFFERENT TAX RATES.—For purposes of***
9 ***applying subsection (b)(2) with respect to 1 or more***
10 ***gifts, the rates of tax under subsection (c) in effect at***
11 ***the decedent’s death shall, in lieu of the rates of tax***
12 ***in effect at the time of such gifts, be used both to com-***
13 ***pute—***

14 ***“(A) the tax imposed by chapter 12 with re-***
15 ***spect to such gifts, and***

16 ***“(B) the credit allowed against such tax***
17 ***under section 2505, including in computing—***

18 ***“(i) the applicable credit amount***
19 ***under section 2505(a)(1), and***

20 ***“(ii) the sum of the amounts allowed***
21 ***as a credit for all preceding periods under***
22 ***section 2505(a)(2).***

23 ***“(2) MODIFICATIONS TO ESTATE TAX PAYABLE***
24 ***TO REFLECT DIFFERENT BASIC EXCLUSION***
25 ***AMOUNTS.—The Secretary shall prescribe such regula-***

1 *tions as may be necessary or appropriate to carry out*
2 *this section with respect to any difference between—*

3 *“(A) the basic exclusion amount under sec-*
4 *tion 2010(c)(3) applicable at the time of the de-*
5 *cedent’s death, and*

6 *“(B) the basic exclusion amount under such*
7 *section applicable with respect to any gifts made*
8 *by the decedent.”.*

9 *(c) EFFECTIVE DATE.—The amendments made by this*
10 *section shall apply to estates of decedents dying and gifts*
11 *made after December 31, 2017.*

12 **PART VII—TAXPAYER RIGHTS AND TAX**

13 **ADMINISTRATION**

14 **SEC. 11071. EXTENSION OF TIME LIMIT FOR CONTESTING** 15 **IRS LEVY.**

16 *(a) EXTENSION OF TIME FOR RETURN OF PROPERTY*
17 *SUBJECT TO LEVY.—Subsection (b) of section 6343 is*
18 *amended by striking “9 months” and inserting “2 years”.*

19 *(b) PERIOD OF LIMITATION ON SUITS.—Subsection (c)*
20 *of section 6532 is amended—*

21 *(1) by striking “9 months” in paragraph (1)*
22 *and inserting “2 years”, and*

23 *(2) by striking “9-month” in paragraph (2) and*
24 *inserting “2-year”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to—*

3 (1) *levies made after the date of the enactment*
4 *of this Act, and*

5 (2) *levies made on or before such date if the 9-*
6 *month period has not expired under section 6343(b)*
7 *of the Internal Revenue Code of 1986 (without regard*
8 *to this section) as of such date.*

9 **SEC. 11072. MODIFICATION OF USER FEE REQUIREMENTS**
10 **FOR INSTALLMENT AGREEMENTS.**

11 (a) *IN GENERAL.*—*Section 6159 is amended by redes-*
12 *ignating subsection (f) as subsection (g) and by inserting*
13 *after subsection (e) the following new subsection:*

14 “(f) *INSTALLMENT AGREEMENT FEES.*—

15 “(1) *LIMITATION ON FEE AMOUNT.*—*The amount*
16 *of any fee imposed on an installment agreement*
17 *under this section may not exceed the amount of such*
18 *fee as in effect on the date of the enactment of this*
19 *subsection.*

20 “(2) *WAIVER OR REIMBURSEMENT.*—*In the case*
21 *of any taxpayer with an adjusted gross income, as de-*
22 *termined for the most recent year for which such in-*
23 *formation is available, which does not exceed 250 per-*
24 *cent of the applicable poverty level (as determined by*
25 *the Secretary)—*

1 “(i) section 7623(b), or

2 “(ii) any action brought under—

3 “(I) section 21F of the Securities
4 Exchange Act of 1934 (15 U.S.C. 78u-
5 6),

6 “(II) a State false claims act, in-
7 cluding a State false claims act with
8 qui tam provisions, or

9 “(III) section 23 of the Com-
10 modity Exchange Act (7 U.S.C. 26).

11 “(B) *MAY NOT EXCEED AWARD.*—Subpara-
12 graph (A) shall not apply to any deduction in
13 excess of the amount includible in the taxpayer’s
14 gross income for the taxable year on account of
15 such award.”.

16 (b) *EFFECTIVE DATE.*—The amendment made by this
17 section shall apply to taxable years beginning after Decem-
18 ber 31, 2017.

19 **SEC. 11074. CLARIFICATION OF WHISTLEBLOWER AWARDS.**

20 (a) *DEFINITION OF PROCEEDS.*—

21 (1) *IN GENERAL.*—Section 7623 is amended by
22 adding at the end the following new subsection:

23 “(c) *PROCEEDS.*—For purposes of this section, the
24 term ‘proceeds’ includes—

1 “(1) penalties, interest, additions to tax, and ad-
2 ditional amounts provided under the internal revenue
3 laws, and

4 “(2) any proceeds arising from laws for which
5 the Internal Revenue Service is authorized to admin-
6 ister, enforce, or investigate, including—

7 “(A) criminal fines and civil forfeitures,
8 and

9 “(B) violations of reporting requirements.”.

10 (2) *CONFORMING AMENDMENTS.*—Paragraphs
11 (1) and (2)(A) of section 7623(b) are each amended
12 by striking “collected proceeds (including penalties,
13 interest, additions to tax, and additional amounts)
14 resulting from the action” and inserting “proceeds
15 collected as a result of the action”.

16 (b) *AMOUNT OF PROCEEDS DETERMINED WITHOUT*
17 *REGARD TO AVAILABILITY.*—Paragraphs (1) and (2)(A) of
18 section 7623(b) are each amended by inserting “(determined
19 without regard to whether such proceeds are available to
20 the Secretary)” after “in response to such action”.

21 (c) *DISPUTED AMOUNT THRESHOLD.*—Section
22 7623(b)(5)(B) is amended by striking “tax, penalties, inter-
23 est, additions to tax, and additional amounts” and insert-
24 ing “proceeds”.

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to information provided before, on, or*
3 *after the date of the enactment of this Act with respect to*
4 *which a final determination for an award has not been*
5 *made before such date of enactment.*

6 **PART VIII—INDIVIDUAL MANDATE**

7 **SEC. 11081. ELIMINATION OF SHARED RESPONSIBILITY**
8 **PAYMENT FOR INDIVIDUALS FAILING TO**
9 **MAINTAIN MINIMUM ESSENTIAL COVERAGE.**

10 (a) *IN GENERAL.*—*Section 5000A(c) is amended—*

11 (1) *in paragraph (2)(B)(iii), by striking “2.5*
12 *percent” and inserting “Zero percent”, and*

13 (2) *in paragraph (3)—*

14 (A) *by striking “\$695” in subparagraph*

15 (A) *and inserting “\$0”, and*

16 (B) *by striking subparagraph (D).*

17 (b) *EFFECTIVE DATE.*—*The amendments made by this*
18 *section shall apply to months beginning after December 31,*
19 *2018.*

20 **Subtitle B—Alternative Minimum**
21 **Tax**

22 **SEC. 12001. INCREASED EXEMPTION FOR INDIVIDUALS.**

23 (a) *INCREASED EXEMPTION.*—*Section 55(d) is amend-*
24 *ed by adding at the end the following new paragraph:*

1 “(5) *SPECIAL RULE FOR TAXABLE YEARS BEGIN-*
2 *NING AFTER 2017 AND BEFORE 2026.—*

3 “(A) *IN GENERAL.—In the case of any tax-*
4 *able year beginning after December 31, 2017,*
5 *and before January 1, 2026—*

6 “(i) *paragraph (1) shall be applied—*

7 “(I) *by substituting ‘\$109,400’ for*
8 *‘\$78,750’ in subparagraph (A), and*

9 “(II) *by substituting ‘\$70,300’ for*
10 *‘\$50,600’ in subparagraph (B), and*

11 “(ii) *paragraph (3) shall be applied—*

12 “(I) *by substituting ‘\$208,400’ for*
13 *‘\$150,000’ in subparagraph (A),*

14 “(II) *by substituting ‘\$156,300’*
15 *for ‘\$112,500’ in subparagraph (B),*
16 *and*

17 “(III) *in the case of a taxpayer*
18 *described in paragraph (1)(D), without*
19 *regard to the substitution under sub-*
20 *clause (I).*

21 “(B) *INFLATION ADJUSTMENT.—*

22 “(i) *IN GENERAL.—In the case of any*
23 *taxable year beginning in a calendar year*
24 *after 2018, the amounts described in clause*

1 (ii) shall each be increased by an amount
2 equal to—

3 “(I) such dollar amount, multi-
4 plied by

5 “(II) the cost-of-living adjustment
6 determined under section 1(f)(3) for
7 the calendar year in which the taxable
8 year begins, determined by substituting
9 ‘calendar year 2017’ for ‘calendar year
10 2016’ in subparagraph (A)(i) thereof.

11 “(ii) AMOUNTS DESCRIBED.—The
12 amounts described in this clause are the
13 \$109,400 amount in subparagraph
14 (A)(i)(I), the \$70,300 amount in subpara-
15 graph (A)(i)(II), the \$208,400 amount in
16 subparagraph (A)(ii)(I), and the \$156,300
17 amount in subparagraph (A)(ii)(II).

18 “(iii) ROUNDING.—Any increased
19 amount determined under clause (i) shall be
20 rounded to the nearest multiple of \$100.”.

21 (b) EFFECTIVE DATE.—The amendments made by this
22 section shall apply to taxable years beginning after Decem-
23 ber 31, 2017.

1 **Subtitle C—Business-related**
2 **Provisions**

3 **PART I—CORPORATE PROVISIONS**

4 **SEC. 13001. 20-PERCENT CORPORATE TAX RATE.**

5 (a) *IN GENERAL.*—Subsection (b) of section 11 is
6 amended to read as follows:

7 “(b) *AMOUNT OF TAX.*—The amount of the tax im-
8 posed by subsection (a) shall be 20 percent of taxable in-
9 come.”.

10 (b) *CONFORMING AMENDMENTS.*—

11 (1) *The following sections are each amended by*
12 striking “section 11(b)(1)” and inserting “section
13 11(b)”:

14 (A) *Section 280C(c)(3)(B)(ii)(II).*

15 (B) *Paragraphs (2)(B) and (6)(A)(ii) of*
16 *section 860E(e).*

17 (C) *Section 7874(e)(1)(B).*

18 (2)(A) *Part I of subchapter P of chapter 1 is*
19 *amended by striking section 1201 (and by striking the*
20 *item relating to such section in the table of sections*
21 *for such part).*

22 (B) *Section 12 is amended by striking para-*
23 *graphs (4) and (6), and by redesignating paragraph*
24 *(5) as paragraph (4).*

1 (C) Section 453A(c)(3) is amended by striking
2 “or 1201 (whichever is appropriate)”.

3 (D) Section 527(b) is amended—
4 (i) by striking paragraph (2), and
5 (ii) by striking all that precedes “is hereby
6 imposed” and inserting:
7 “(b) TAX IMPOSED.—A tax”.

8 (E) Sections 594(a) is amended by striking
9 “taxes imposed by section 11 or 1201(a)” and insert-
10 ing “tax imposed by section 11”.

11 (F) Section 691(c)(4) is amended by striking
12 “1201,”.

13 (G) Section 801(a) is amended—
14 (i) by striking paragraph (2), and
15 (ii) by striking all that precedes “is hereby
16 imposed” and inserting:
17 “(a) TAX IMPOSED.—A tax”.

18 (H) Section 831(e) is amended by striking para-
19 graph (1) and by redesignating paragraphs (2) and
20 (3) as paragraphs (1) and (2), respectively.

21 (I) Sections 832(c)(5) and 834(b)(1)(D) are each
22 amended by striking “sec. 1201 and following,”.

23 (J) Section 852(b)(3)(A) is amended by striking
24 “section 1201(a)” and inserting “section 11(b)”.

25 (K) Section 857(b)(3) is amended—

1 (i) by striking subparagraph (A) and redesi-
2 gnating subparagraphs (B) through (F) as sub-
3 paragraphs (A) through (E), respectively,

4 (ii) in subparagraph (C), as so redesi-
5 gnated—

6 (I) by striking “subparagraph (A)(ii)”
7 in clause (i) thereof and inserting “para-
8 graph (1)”,

9 (II) by striking “the tax imposed by
10 subparagraph (A)(ii)” in clauses (ii) and
11 (iv) thereof and inserting “the tax imposed
12 by paragraph (1) on undistributed capital
13 gain”,

14 (iii) in subparagraph (E), as so redesi-
15 gnated, by striking “subparagraph (B) or (D)”
16 and inserting “subparagraph (A) or (C)”, and

17 (iv) by adding at the end the following new
18 subparagraph:

19 “(F) *UNDISTRIBUTED CAPITAL GAIN.*—For
20 purposes of this paragraph, the term ‘undistrib-
21 uted capital gain’ means the excess of the net
22 capital gain over the deduction for dividends
23 paid (as defined in section 561) determined with
24 reference to capital gain dividends only.”.

1 (L) Section 882(a)(1) is amended by striking “,
2 55, or 1201(a)” and inserting “or 55”.

3 (M) Section 904(b) is amended—

4 (i) by striking “or 1201(a)” in paragraph
5 (2)(C),

6 (ii) by striking paragraph (3)(D) and in-
7 serting the following:

8 “(D) CAPITAL GAIN RATE DIFFERENTIAL.—
9 There is a capital gain rate differential for any
10 year if subsection (h) of section 1 applies to such
11 taxable year.”, and

12 (iii) by striking paragraph (3)(E) and in-
13 serting the following:

14 “(E) RATE DIFFERENTIAL PORTION.—The
15 rate differential portion of foreign source net
16 capital gain, net capital gain, or the excess of
17 net capital gain from sources within the United
18 States over net capital gain, as the case may be,
19 is the same proportion of such amount as—

20 “(i) the excess of—

21 “(I) the highest rate of tax set
22 forth in subsection (a), (b), (c), (d), or
23 (e) of section 1 (whichever applies),
24 over

1 “(II) the alternative rate of tax
2 determined under section 1(h), bears to
3 “(ii) that rate referred to in subclause
4 (I).”.

5 (N) Section 1374(b) is amended by striking
6 paragraph (4).

7 (O) Section 1381(b) is amended by striking
8 “taxes imposed by section 11 or 1201” and inserting
9 “tax imposed by section 11”.

10 (P) Sections 6425(c)(1)(A) and 6655(g)(1)(A)(i)
11 are each amended by striking “or 1201(a),”.

12 (Q) Section 7518(g)(6)(A) is amended by strik-
13 ing “or 1201(a)”.

14 (3)(A) Section 1445(e)(1) is amended—

15 (i) by striking “35 percent” and inserting
16 “the highest rate of tax in effect for the taxable
17 year under section 11(b)”, and

18 (ii) by striking “of the gain” and inserting
19 “multiplied by the gain”.

20 (B) Section 1445(e)(2) is amended by striking
21 “35 percent of the amount” and inserting “the highest
22 rate of tax in effect for the taxable year under section
23 11(b) multiplied by the amount”.

24 (C) Section 1445(e)(6) is amended—

1 (i) by striking “35 percent” and inserting
2 “the highest rate of tax in effect for the taxable
3 year under section 11(b)”, and

4 (ii) by striking “of the amount” and insert-
5 ing “multiplied by the amount”.

6 (D) Section 1446(b)(2)(B) is amended by strik-
7 ing “section 11(b)(1)” and inserting “section 11(b)”.

8 (4) Section 852(b)(1) is amended by striking the
9 last sentence.

10 (5)(A) Part I of subchapter B of chapter 5 is
11 amended by striking section 1551 (and by striking the
12 item relating to such section in the table of sections
13 for such part).

14 (B) Section 535(c)(5) is amended to read as fol-
15 lows:

16 “(5) CROSS REFERENCE.—For limitation on
17 credit provided in paragraph (2) or (3) in the case
18 of certain controlled corporations, see section 1561.”.

19 (6)(A) Section 1561(a) is amended—

20 (i) by striking paragraph (1) and redesign-
21 ating paragraphs (2) and (3) as paragraphs
22 (1) and (2), respectively,

23 (ii) by striking “amounts specified in para-
24 graph (1) and the amount specified in para-

1 *graph (3)” and inserting “the amount specified*
2 *in paragraph (2)”*,

3 *(iii) by striking “The amounts specified in*
4 *paragraph (2)” and inserting “The amounts*
5 *specified in paragraph (1)”*,

6 *(iv) by striking the third sentence in the*
7 *flush language, and*

8 *(v) by striking “under paragraph (3)” and*
9 *inserting “under paragraph (2)”*.

10 *(B) The first sentence of section 1561(b) is*
11 *amended to read as follows: “If a corporation has a*
12 *short taxable year which does not include a December*
13 *31 and is a component member of a controlled group*
14 *of corporations with respect to such taxable year, then*
15 *for purposes of this subtitle the amount to be used in*
16 *computing the accumulated earnings credit under sec-*
17 *tion 535(c)(2) and (3) of such corporation for such*
18 *taxable year shall be the amount specified in sub-*
19 *section (a)(1) divided by the number of corporations*
20 *which are component members of such group on the*
21 *last day of such taxable year.”*

22 *(7) Section 7518(g)(6)(A) is amended—*

23 *(A) by striking “With respect to the por-*
24 *tion” and inserting “In the case of a taxpayer*

1 *other than a corporation, with respect to the por-*
2 *tion”, and*

3 *(B) by striking “(34 percent in the case of*
4 *a corporation)”.*

5 *(c) EFFECTIVE DATE.—*

6 *(1) IN GENERAL.—Except as otherwise provided*
7 *in this subsection, the amendments made by this sec-*
8 *tion shall apply to taxable years beginning after De-*
9 *cember 31, 2018.*

10 *(2) WITHHOLDING.—The amendments made by*
11 *subsection (b)(3) shall apply to distributions made*
12 *after December 31, 2018.*

13 *(3) CERTAIN TRANSFERS.—The amendments*
14 *made by subsection (b)(6) shall apply to transfers*
15 *made after December 31, 2018.*

16 *(d) NORMALIZATION REQUIREMENTS.—*

17 *(1) IN GENERAL.—A normalization method of*
18 *accounting shall not be treated as being used with re-*
19 *spect to any public utility property for purposes of*
20 *section 167 or 168 of the Internal Revenue Code of*
21 *1986 if the taxpayer, in computing its cost of service*
22 *for ratemaking purposes and reflecting operating re-*
23 *sults in its regulated books of account, reduces the ex-*
24 *cess tax reserve more rapidly or to a greater extent*

1 *than such reserve would be reduced under the average*
2 *rate assumption method.*

3 (2) *ALTERNATIVE METHOD FOR CERTAIN TAX-*
4 *PAYERS.—If, as of the first day of the taxable year*
5 *that includes the date of enactment of this Act—*

6 (A) *the taxpayer was required by a regu-*
7 *latory agency to compute depreciation for public*
8 *utility property on the basis of an average life*
9 *or composite rate method, and*

10 (B) *the taxpayer’s books and underlying*
11 *records did not contain the vintage account data*
12 *necessary to apply the average rate assumption*
13 *method,*

14 *the taxpayer will be treated as using a normalization*
15 *method of accounting if, with respect to such jurisdic-*
16 *tion, the taxpayer uses the alternative method for*
17 *public utility property that is subject to the regu-*
18 *latory authority of that jurisdiction.*

19 (3) *DEFINITIONS.—For purposes of this sub-*
20 *section—*

21 (A) *EXCESS TAX RESERVE.—The term “ex-*
22 *cess tax reserve” means the excess of—*

23 (i) *the reserve for deferred taxes (as de-*
24 *scribed in section 168(i)(9)(A)(ii) of the In-*
25 *ternal Revenue Code of 1986) as determined*

1 *under the Internal Revenue Code of 1986 as*
2 *in effect on the day before the date of the en-*
3 *actment of this Act, over*

4 *(ii) the amount which would be the*
5 *balance in such reserve if the amount of*
6 *such reserve were determined by assuming*
7 *that the corporate rate reductions provided*
8 *in this Act were in effect for all prior peri-*
9 *ods.*

10 (B) *AVERAGE RATE ASSUMPTION METH-*
11 *OD.—The average rate assumption method is the*
12 *method under which the excess in the reserve for*
13 *deferred taxes is reduced over the remaining lives*
14 *of the property as used in its regulated books of*
15 *account which gave rise to the reserve for de-*
16 *ferred taxes. Under such method, if timing dif-*
17 *ferences for the property reverse, the amount of*
18 *the adjustment to the reserve for the deferred*
19 *taxes is calculated by multiplying—*

20 *(i) the ratio of the aggregate deferred*
21 *taxes for the property to the aggregate tim-*
22 *ing differences for the property as of the be-*
23 *ginning of the period in question, by*

24 *(ii) the amount of the timing dif-*
25 *ferences which reverse during such period.*

1 (C) *ALTERNATIVE METHOD.*—The “alter-
2 native method” is the method in which the tax-
3 payer—

4 (i) computes the excess tax reserve on
5 all public utility property included in the
6 plant account on the basis of the weighted
7 average life or composite rate used to com-
8 pute depreciation for regulatory purposes,
9 and

10 (ii) reduces the excess tax reserve rat-
11 ably over the remaining regulatory life of
12 the property.

13 (4) *TAX INCREASED FOR NORMALIZATION VIOLA-*
14 *TION.*—If, for any taxable year ending after the date
15 of the enactment of this Act, the taxpayer does not use
16 a normalization method of accounting, the taxpayer’s
17 tax for the taxable year shall be increased by the
18 amount by which it reduces its excess tax reserve
19 more rapidly than permitted under a normalization
20 method of accounting.

21 **SEC. 13002. REDUCTION IN DIVIDEND RECEIVED DEDUC-**
22 **TIONS TO REFLECT LOWER CORPORATE IN-**
23 **COME TAX RATES.**

24 (a) *DIVIDENDS RECEIVED BY CORPORATIONS.*—

1 (1) *IN GENERAL.*—Section 243(a)(1) is amended
2 by striking “70 percent” and inserting “50 percent”.

3 (2) *DIVIDENDS FROM 20-PERCENT OWNED COR-*
4 *PORATIONS.*—Section 243(c)(1) is amended—

5 (A) by striking “80 percent” and inserting
6 “65 percent”, and

7 (B) by striking “70 percent” and inserting
8 “50 percent”.

9 (3) *CONFORMING AMENDMENT.*—The heading for
10 section 243(c) is amended by striking “RETENTION OF
11 80-PERCENT DIVIDEND RECEIVED DEDUCTION” and
12 inserting “INCREASED PERCENTAGE”.

13 (b) *DIVIDENDS RECEIVED FROM FSC.*—Section
14 245(c)(1)(B) is amended—

15 (1) by striking “70 percent” and inserting “50
16 percent”, and

17 (2) by striking “80 percent” and inserting “65
18 percent”.

19 (c) *LIMITATION ON AGGREGATE AMOUNT OF DEDUC-*
20 *TIONS.*—Section 246(b)(3) is amended—

21 (1) by striking “80 percent” in subparagraph
22 (A) and inserting “65 percent”, and

23 (2) by striking “70 percent” in subparagraph
24 (B) and inserting “50 percent”.

1 (d) *REDUCTION IN DEDUCTION WHERE PORTFOLIO*
2 *STOCK IS DEBT-FINANCED.*—Section 246A(a)(1) is amend-
3 *ed—*

4 (1) *by striking “70 percent” and inserting “50*
5 *percent”, and*

6 (2) *by striking “80 percent” and inserting “65*
7 *percent”.*

8 (e) *INCOME FROM SOURCES WITHIN THE UNITED*
9 *STATES.*—Section 861(a)(2) is amended—

10 (1) *by striking “100/70th” and inserting “100/*
11 *50th” in subparagraph (B), and*

12 (2) *in the flush sentence at the end—*

13 (A) *by striking “100/80th” and inserting*
14 *“100/65th”, and*

15 (B) *by striking “100/70th” and inserting*
16 *“100/50th”.*

17 (f) *EFFECTIVE DATE.*—*The amendments made by this*
18 *section shall apply to taxable years beginning after Decem-*
19 *ber 31, 2018.*

20 ***PART II—SMALL BUSINESS REFORMS***

21 ***SEC. 13101. MODIFICATIONS OF RULES FOR EXPENSING DE-***
22 ***PRECIABLE BUSINESS ASSETS.***

23 (a) *INCREASE IN LIMITATION.*—

1 (1) *DOLLAR LIMITATION.*—Section 179(b)(1) is
2 amended by striking “\$500,000” and inserting
3 “\$1,000,000”.

4 (2) *REDUCTION IN LIMITATION.*—Section
5 179(b)(2) is amended by striking “\$2,000,000” and
6 inserting “\$2,500,000”.

7 (3) *INFLATION ADJUSTMENTS.*—

8 (A) *IN GENERAL.*—Subparagraph (A) of
9 section 179(b)(6), as amended by section
10 11002(d), is amended—

11 (i) by striking “2015” and inserting
12 “2018”, and

13 (ii) in clause (ii), by striking “cal-
14 endar year 2014” and inserting “calendar
15 year 2017”.

16 (B) *SPORT UTILITY VEHICLES.*—Section
17 179(b)(6) is amended—

18 (i) in subparagraph (A), by striking
19 “paragraphs (1) and (2)” and inserting
20 “paragraphs (1), (2), and (5)(A)”, and

21 (ii) in subparagraph (B), by inserting
22 “(\$100 in the case of any increase in the
23 amount under paragraph (5)(A))” after
24 “\$10,000”.

1 **(b) SECTION 179 PROPERTY TO INCLUDE QUALIFIED**
2 **REAL PROPERTY.**—

3 **(1) IN GENERAL.**—Subparagraph (B) of section
4 179(d)(1) is amended to read as follows:

5 “(B) which is—

6 “(i) section 1245 property (as defined
7 in section 1245(a)(3)), or

8 “(ii) at the election of the taxpayer,
9 qualified real property (as defined in sub-
10 section (f)), and”.

11 **(2) QUALIFIED REAL PROPERTY DEFINED.**—Sub-
12 section (f) of section 179 is amended to read as fol-
13 lows:

14 **“(f) QUALIFIED REAL PROPERTY.**—For purposes of
15 this section, the term ‘qualified real property’ means—

16 “(1) any qualified improvement property de-
17 scribed in section 168(e)(6), and

18 “(2) any of the following improvements to non-
19 residential real property placed in service after the
20 date such property was first placed in service:

21 “(A) Roofs.

22 “(B) Heating, ventilation, and air-condi-
23 tioning property.

24 “(C) Fire protection and alarm systems.

25 “(D) Security systems.”.

1 (c) *REPEAL OF EXCLUSION FOR CERTAIN PROP-*
2 *ERTY.*—*The last sentence of section 179(d)(1) is amended*
3 *by inserting “(other than paragraph (2) thereof)” after*
4 *“section 50(b)”.*

5 (d) *EFFECTIVE DATE.*—*The amendments made by this*
6 *section shall apply to property placed in service in taxable*
7 *years beginning after December 31, 2017.*

8 **SEC. 13102. MODIFICATIONS OF GROSS RECEIPTS TEST FOR**
9 **USE OF CASH METHOD OF ACCOUNTING BY**
10 **CORPORATIONS AND PARTNERSHIPS.**

11 (a) *MODIFICATIONS OF GROSS RECEIPTS TEST.*—

12 (1) *IN GENERAL.*—*So much of section 448(c) as*
13 *precedes paragraph (2) is amended to read as follows:*

14 “*(c) GROSS RECEIPTS TEST.*—

15 “*(1) IN GENERAL.*—*A corporation or partnership*
16 *meets the gross receipts test of this subsection for any*
17 *taxable year if the average annual gross receipts of*
18 *such entity for the 3-taxable-year period ending with*
19 *the taxable year which precedes such taxable year does*
20 *not exceed the applicable dollar limit.”.*

21 (2) *APPLICABLE DOLLAR LIMIT.*—*Subsection (c)*
22 *of section 448 is amended by adding at the end the*
23 *following new paragraph:*

24 “*(4) APPLICABLE DOLLAR LIMIT.*—

1 “(A) *IN GENERAL.*—*The applicable dollar*
2 *limit is \$15,000,000.*”

3 “(B) *ADJUSTMENT FOR INFLATION.*—*In the*
4 *case of any taxable year beginning after Decem-*
5 *ber 31, 2018, the \$15,000,000 amount under sub-*
6 *paragraph (A) shall be increased by an amount*
7 *equal to—*

8 “(i) *such dollar amount, multiplied by*
9 “(ii) *the cost-of-living adjustment de-*
10 *termined under section 1(f)(3) for the cal-*
11 *endar year in which the taxable year be-*
12 *gins, by substituting ‘calendar year 2017’*
13 *for ‘calendar year 2016’ in subparagraph*
14 *(A)(ii) thereof.*”

15 *If any amount as increased under the preceding*
16 *sentence is not a multiple of \$1,000, such*
17 *amount shall be rounded to the next lowest mul-*
18 *tiiple of \$1,000.”.*

19 (3) *CHANGE IN METHOD OF ACCOUNTING.*—
20 *Paragraph (7) of section 448(d) is amended—*

21 (A) *by striking “In the case of” and all that*
22 *follows up to subparagraph (A) and inserting:*
23 *“If a taxpayer changes its method of accounting*
24 *because the taxpayer is prohibited from using the*
25 *cash receipts and disbursement method of ac-*

1 *counting by reason of subsection (a) or is no*
2 *longer prohibited from using such method by rea-*
3 *son of such subsection—”, and*

4 *(B) by inserting “and” at the end of sub-*
5 *paragraph (A), by striking “, and” at the end of*
6 *subparagraph (B) and inserting a period, and*
7 *by striking subparagraph (C).*

8 (4) *CONFORMING AMENDMENT.—Paragraph (3)*
9 *of section 448(b) is amended to read as follows:*

10 “*(3) ENTITIES SATISFYING GROSS RECEIPTS*
11 *TEST.—Paragraphs (1) and (2) of subsection (a) shall*
12 *not apply to any corporation or partnership for any*
13 *taxable year if such entity meets the gross receipts test*
14 *of subsection (c) for the taxable year.”.*

15 (b) *APPLICATION OF MODIFICATIONS TO FARMING*
16 *CORPORATIONS.—*

17 (1) *IN GENERAL.—Paragraph (1) of section*
18 *447(d) is amended to read as follows:*

19 “*(1) IN GENERAL.—A corporation meets the re-*
20 *quirements of this subsection for any taxable year*
21 *with respect to its gross receipts if the corporation*
22 *meets the gross receipts test of section 448(c) for the*
23 *taxable year.”.*

24 (2) *FAMILY CORPORATIONS.—Paragraph (2) of*
25 *section 447(d) is amended—*

1 (A) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) *IN GENERAL.*—*In the case of a family*
4 *corporation, in applying section 448(c) for pur-*
5 *poses of paragraph (1)—*

6 “(i) *paragraph (1) of section 448(c)*
7 *shall be applied by substituting the applica-*
8 *ble family corporation limit for the applica-*
9 *ble dollar limit, and*

10 “(ii) *the rules of subparagraph (B)*
11 *shall apply in computing gross receipts.”,*

12 (B) *in subparagraph (B)(i), by striking*
13 *“the last sentence of paragraph (1)” and insert-*
14 *ing “paragraph (2) of section 448(c)”*, and

15 (C) *by adding at the end the following new*
16 *subparagraph:*

17 “(D) *APPLICABLE FAMILY CORPORATION*
18 *LIMIT.*—

19 “(i) *IN GENERAL.*—*The applicable*
20 *family corporation limit is \$25,000,000.*

21 “(ii) *ADJUSTMENT FOR INFLATION.*—
22 *In the case of any taxable year beginning*
23 *after December 31, 2018, the \$25,000,000*
24 *amount under clause (i) shall be increased*
25 *by an amount equal to—*

1 “(I) such dollar amount, multi-
2 plied by

3 “(II) the cost-of-living adjustment
4 determined under section 1(f)(3) for
5 the calendar year in which the taxable
6 year begins, by substituting ‘calendar
7 year 2017’ for ‘calendar year 2016’ in
8 subparagraph (A)(ii) thereof.

9 If any amount as increased under the pre-
10 ceding sentence is not a multiple of \$1,000,
11 such amount shall be rounded to the next
12 lowest multiple of \$1,000.”.

13 (3) *EXCEPTION FOR CERTAIN CORPORATIONS.*—
14 Subsection (c) of section 447 is amended by inserting
15 “for any taxable year” after “not being a corpora-
16 tion”.

17 (4) *CHANGE IN METHOD OF ACCOUNTING.*—Sec-
18 tion 447(f) is amended—

19 (A) by striking “In the case of” and all that
20 follows up to paragraph (1) and inserting the
21 following: “If a taxpayer changes its method of
22 accounting because the taxpayer is required to
23 use an accrual method of accounting by reason
24 of subsection (a) or is no longer required to use

1 *such method by reason of such subsection—”,*
2 *and*

3 *(B) by striking paragraph (2) and inserting*
4 *the following:*

5 “*(2) such change shall be treated as initiated by*
6 *the taxpayer, and”.*

7 *(c) EFFECTIVE DATE.—The amendments made by this*
8 *section shall apply to taxable years beginning after Decem-*
9 *ber 31, 2017.*

10 **SEC. 13103. CLARIFICATION OF INVENTORY ACCOUNTING**

11 **RULES FOR SMALL BUSINESSES.**

12 *(a) CLARIFICATION OF INVENTORY RULES.—*

13 *(1) IN GENERAL.—Section 471 is amended by re-*
14 *designating subsection (c) as subsection (d) and by*
15 *inserting after subsection (b) the following new sub-*
16 *section:*

17 “*(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO*
18 *USE INVENTORIES.—*

19 “*(1) IN GENERAL.—A qualified taxpayer shall*
20 *not be required to use inventories under this section*
21 *for a taxable year.*

22 “*(2) TREATMENT OF TAXPAYERS NOT USING IN-*
23 *VENTORIES.—A qualified taxpayer who is not re-*
24 *quired under this subsection to use inventories with*

1 *respect to any property for a taxable year beginning*
2 *after December 31, 2017, may treat such property—*

3 “(A) *as a non-incidental material or sup-*
4 *ply, or*

5 “(B) *in a manner which conforms to the*
6 *taxpayer’s method for accounting for such prop-*
7 *erty in—*

8 “(i) *an applicable financial statement*
9 *(as defined in section 451(b)(3)), or*

10 “(ii) *in the case of a taxpayer that*
11 *does not have an applicable financial state-*
12 *ment, their books and records used for pur-*
13 *poses of determining tax imposed by this*
14 *title.*

15 “(3) *QUALIFIED TAXPAYER.—For purposes of*
16 *this subsection, the term ‘qualified taxpayer’ means,*
17 *with respect to any taxable year, a taxpayer who*
18 *meets the gross receipts test of section 448(c) for the*
19 *taxable year (or, in the case of a sole proprietorship,*
20 *who would meet such test if such proprietorship were*
21 *a corporation). Such term shall not include a tax*
22 *shelter prohibited from using the cash receipts and*
23 *disbursements method of accounting under section*
24 *448(a)(3).*

1 “(4) *COORDINATION WITH SECTION 481.*—If a
2 *taxpayer changes its method of accounting because the*
3 *taxpayer is not required to use inventories by reason*
4 *of paragraph (1) or is required to use inventories be-*
5 *cause such paragraph no longer applies to the tax-*
6 *payer—*

7 “(A) *such change shall be treated as initi-*
8 *ated by the taxpayer, and*

9 “(B) *such change shall be treated as made*
10 *with the consent of the Secretary.”.*

11 (2) *CONFORMING AMENDMENT.*—Subsection (c)
12 *of section 263A is amended by adding at the end the*
13 *following new paragraph:*

14 “(8) *EXCLUSION FROM INVENTORY RULES.*—
15 *Nothing in this section shall require the use of inven-*
16 *tories for any taxable year by a qualified taxpayer*
17 *(within the meaning of section 471(c)(3)) who is not*
18 *required to use inventories under section 471 for such*
19 *taxable year.”.*

20 (b) *EFFECTIVE DATE.*—The amendments made by this
21 *section shall apply to taxable years beginning after Decem-*
22 *ber 31, 2017.*

1 **SEC. 13104. MODIFICATION OF RULES FOR UNIFORM CAP-**
2 **ITALIZATION OF CERTAIN EXPENSES.**

3 (a) *IN GENERAL.*—Section 263A(b) is amended by
4 striking all that follows paragraph (1) and inserting the
5 following new paragraphs:

6 “(2) *PROPERTY ACQUIRED FOR RESALE.*—Real
7 or personal property described in section 1221(a)(1)
8 which is acquired by the taxpayer for resale.

9 “(3) *EXCEPTION FOR SMALL BUSINESSES.*—This
10 section shall not apply to any taxpayer who meets the
11 gross receipts test under section 448(c) for the taxable
12 year (or, in the case of a sole proprietorship, who
13 would meet such test if such proprietorship were a
14 corporation), other than a tax shelter prohibited from
15 using the cash receipts and disbursements method of
16 accounting under section 448(a)(3).

17 “(4) *FILMS, SOUND RECORDINGS, BOOKS, ETC.*—
18 For purposes of this subsection, the term ‘tangible
19 personal property’ shall include a film, sound record-
20 ing, video tape, book, or similar property.

21 “(5) *COORDINATION WITH SECTION 481.*—If a
22 taxpayer changes its method of accounting because
23 this section does not apply to the taxpayer by reason
24 of the exception under paragraph (3) or this section
25 applies to the taxpayer because such exception no
26 longer applies to the taxpayer—

1 “(A) such change shall be treated as initi-
2 ated by the taxpayer, and

3 “(B) such change shall be treated as made
4 with the consent of the Secretary.”.

5 (b) *EFFECTIVE DATE.*—The amendments made by this
6 section shall apply to taxable years beginning after Decem-
7 ber 31, 2017.

8 **SEC. 13105. INCREASE IN GROSS RECEIPTS TEST FOR CON-**
9 **STRUCTION CONTRACT EXCEPTION TO PER-**
10 **CENTAGE OF COMPLETION METHOD.**

11 (a) *INCREASE.*—

12 (1) *IN GENERAL.*—Section 460(e)(1)(B) is
13 amended—

14 (A) in the matter preceding clause (i), by
15 inserting “(other than a tax shelter prohibited
16 from using the cash receipts and disbursements
17 method of accounting under section 448(a)(3))”
18 after “taxpayer”, and

19 (B) by striking clause (ii) and inserting the
20 following:

21 “(ii) who meets the gross receipts test
22 of section 448(c) for the taxable year in
23 which such contract is entered into (or, in
24 the case of a sole proprietorship, who would

1 *meet such test if such proprietorship were a*
2 *corporation).”.*

3 (2) *CONFORMING AMENDMENTS.—*

4 (A) *Section 460(e) is amended by striking*
5 *paragraphs (2) and (3) and by redesignating*
6 *paragraphs (4) through (6) as paragraphs (2)*
7 *through (4), respectively.*

8 (B) *The last sentence of section 56(a)(3) is*
9 *amended by striking “section 460(e)(6)” and in-*
10 *serting “section 460(e)(4)”.*

11 (b) *COORDINATION WITH SECTION 481.—Section*
12 *460(e), as amended by subsection (a), is amended by adding*
13 *at the end the following:*

14 “(5) *COORDINATION WITH SECTION 481.—If a*
15 *taxpayer changes its method of accounting because*
16 *subsections (a), (b), (c)(1), and (c)(2) do not apply by*
17 *reason of the exception under paragraph (1)(B) or*
18 *such subsections apply to the taxpayer because such*
19 *exception no longer applies to the taxpayer—*

20 “(A) *such change shall be treated as initi-*
21 *ated by the taxpayer,*

22 “(B) *such change shall be treated as made*
23 *with the consent of the Secretary, and*

24 “(C) *such change shall be permitted only on*
25 *a cut-off basis for all similarly classified con-*

1 *tracts entered into on or after the year of change*
2 *and no adjustments under section 481(a) shall be*
3 *made.”.*

4 *(c) EFFECTIVE DATE.—The amendment made by this*
5 *section shall apply to contracts entered into after December*
6 *31, 2017, in taxable years ending after such date.*

7 **PART III—COST RECOVERY AND ACCOUNTING**

8 **METHODS**

9 **Subpart A—Cost Recovery**

10 **SEC. 13201. TEMPORARY 100-PERCENT EXPENSING FOR**
11 **CERTAIN BUSINESS ASSETS.**

12 *(a) INCREASED EXPENSING.—*

13 *(1) IN GENERAL.—Section 168(k) is amended—*

14 *(A) in paragraph (1)(A), by striking “50*
15 *percent” and inserting “the applicable percent-*
16 *age”, and*

17 *(B) in paragraph (5)(A)(i), by striking “50*
18 *percent” and inserting “the applicable percent-*
19 *age”.*

20 *(2) APPLICABLE PERCENTAGE.—Paragraph (6)*
21 *of section 168(k) is amended to read as follows:*

22 *“(6) APPLICABLE PERCENTAGE.—For purposes*
23 *of this subsection—*

1 “(A) *IN GENERAL.*—*Except as otherwise*
2 *provided in this paragraph, the term ‘applicable*
3 *percentage’ means—*

4 “(i) *in the case of property placed in*
5 *service after September 27, 2017, and before*
6 *January 1, 2023, 100 percent,*

7 “(ii) *in the case of property placed in*
8 *service after December 31, 2022, and before*
9 *January 1, 2024, 80 percent,*

10 “(iii) *in the case of property placed in*
11 *service after December 31, 2023, and before*
12 *January 1, 2025, 60 percent,*

13 “(iv) *in the case of property placed in*
14 *service after December 31, 2024, and before*
15 *January 1, 2026, 40 percent, and*

16 “(v) *in the case of property placed in*
17 *service after December 31, 2025, and before*
18 *January 1, 2027, 20 percent.*

19 “(B) *RULE FOR PROPERTY WITH LONGER*
20 *PRODUCTION PERIODS.*—*In the case of property*
21 *described in paragraph (2)(B) or (C), the term*
22 *‘applicable percentage’ means—*

23 “(i) *in the case of property placed in*
24 *service after September 27, 2017, and before*
25 *January 1, 2024, 100 percent,*

1 “(ii) in the case of property placed in
2 service after December 31, 2023, and before
3 January 1, 2025, 80 percent,

4 “(iii) in the case of property placed in
5 service after December 31, 2024, and before
6 January 1, 2026, 60 percent,

7 “(iv) in the case of property placed in
8 service after December 31, 2025, and before
9 January 1, 2027, 40 percent, and

10 “(v) in the case of property placed in
11 service after December 31, 2026, and before
12 January 1, 2028, 20 percent.

13 “(C) *RULE FOR PLANTS BEARING FRUITS*
14 *AND NUTS.—In the case of a specified plant de-*
15 *scribed in paragraph (5), the term ‘applicable*
16 *percentage’ means—*

17 “(i) in the case of a plant which is
18 planted or grafted after September 27, 2017,
19 and before January 1, 2023, 100 percent,

20 “(ii) in the case of a plant which is
21 planted or grafted after December 31, 2022,
22 and before January 1, 2024, 80 percent,

23 “(iii) in the case of a plant which is
24 planted or grafted after December 31, 2023,
25 and before January 1, 2025, 60 percent,

1 “(iv) in the case of a plant which is
2 planted or grafted after December 31, 2024,
3 and before January 1, 2026, 40 percent,
4 and

5 “(v) in the case of a plant which is
6 planted or grafted after December 31, 2025,
7 and before January 1, 2027, 20 percent.”.

8 (3) *CONFORMING AMENDMENT.*—Paragraph (5)
9 of section 168(k) is amended by striking subpara-
10 graph (F).

11 (b) *EXTENSION.*—

12 (1) *IN GENERAL.*—Section 168(k) is amended—

13 (A) in paragraph (2)—

14 (i) in subparagraph (A)(iii), clauses
15 (i)(III) and (ii) of subparagraph (B), and
16 subparagraph (E)(i), by striking “January
17 1, 2020” each place it appears and insert-
18 ing “January 1, 2027”, and

19 (ii) in subparagraph (B)—

20 (I) in clause (i)(II), by striking
21 “January 1, 2021” and inserting
22 “January 1, 2028”, and

23 (II) in the heading of clause (ii),
24 by striking “PRE-JANUARY 1, 2020” and
25 inserting “PRE-JANUARY 1, 2027”, and

1 (B) in paragraph (5)(A), by striking “Jan-
2 uary 1, 2020” and inserting “January 1, 2027”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Clause (ii) of section 460(c)(6)(B) is
5 amended by striking “January 1, 2020 (Janu-
6 ary 1, 2021” and inserting “January 1, 2027
7 (January 1, 2028”.

8 (B) The heading of section 168(k) is amend-
9 ed by striking “ACQUIRED AFTER DECEMBER
10 31, 2007, AND BEFORE JANUARY 1, 2020”.

11 (c) EXCEPTION FOR PUBLIC UTILITIES.—Section
12 168(k) is amended by adding at the end the following new
13 paragraph:

14 “(8) EXCEPTION FOR CERTAIN PROPERTY.—The
15 term ‘qualified property’ shall not include any prop-
16 erty which is primarily used in a trade or business
17 described in clause (iv) of section 163(j)(7)(A).”.

18 (d) SPECIAL RULE.—Section 168(k), as amended by
19 subsection (c), is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(9) SPECIAL RULE FOR PROPERTY PLACED IN
22 SERVICE DURING CERTAIN PERIODS.—

23 “(A) IN GENERAL.—In the case of qualified
24 property placed in service by the taxpayer dur-
25 ing the first taxable year ending after September

1 27, 2017, if the taxpayer elects to have this para-
2 graph apply for such taxable year, paragraphs
3 (1)(A) and (5)(A)(i) shall be applied by sub-
4 stituting ‘50 percent’ for ‘the applicable percent-
5 age’.

6 “(B) *FORM OF ELECTION.*—Any election
7 under this paragraph shall be made at such time
8 and in such form and manner as the Secretary
9 may prescribe.”.

10 (e) *COORDINATION WITH SECTION 280F.*—Section
11 168(k)(2)(F) is amended by striking clause (iii).

12 (f) *QUALIFIED FILM AND TELEVISION AND LIVE THE-*
13 *ATRICAL PRODUCTIONS.*—

14 (1) *IN GENERAL.*—Clause (i) of section
15 168(k)(2)(A), as amended by section 13204, is amend-
16 ed—

17 (A) in subclause (II), by striking “or”,

18 (B) in subclause (III), by adding “or” after
19 the comma, and

20 (C) by adding at the end the following:

21 “(IV) which is a qualified film or tele-
22 vision production (as defined in subsection
23 (d) of section 181) for which a deduction
24 would have been allowable under section

1 181 without regard to subsections (a)(2)
2 and (g) of such section or this subsection, or
3 “(V) which is a qualified live theat-
4 rical production (as defined in subsection
5 (e) of section 181) for which a deduction
6 would have been allowable under section
7 181 without regard to subsections (a)(2)
8 and (g) of such section or this subsection.”.

9 (2) *PRODUCTION PLACED IN SERVICE.*—Para-
10 graph (2) of section 168(k) is amended by adding at
11 the end the following:

12 “(H) *PRODUCTION PLACED IN SERVICE.*—
13 For purposes of subparagraph (A)—

14 “(i) a qualified film or television pro-
15 duction shall be considered to be placed in
16 service at the time of initial release or
17 broadcast, and

18 “(ii) a qualified live theatrical produc-
19 tion shall be considered to be placed in serv-
20 ice at the time of the initial live staged per-
21 formance.”.

22 (g) *EFFECTIVE DATES.*—The amendments made by
23 this section shall apply to property placed in service, and
24 specified plants planted or grafted after, after September
25 27, 2017, in taxable years ending after such date.

1 **SEC. 13202. MODIFICATIONS TO DEPRECIATION LIMITA-**
2 **TIONS ON LUXURY AUTOMOBILES AND PER-**
3 **SONAL USE PROPERTY.**

4 (a) *LUXURY AUTOMOBILES.*—

5 (1) *IN GENERAL.*—280F(a)(1)(A) is amended—

6 (A) in clause (i), by striking “\$2,560” and
7 inserting “\$10,000”,

8 (B) in clause (ii), by striking “\$4,100” and
9 inserting “\$16,000”,

10 (C) in clause (iii), by striking “\$2,450” and
11 inserting “\$9,600”, and

12 (D) in clause (iv), by striking “\$1,475” and
13 inserting “\$5,760”.

14 (2) *CONFORMING AMENDMENTS.*—

15 (A) Clause (ii) of section 280F(a)(1)(B) is
16 amended by striking “\$1,475” in the text and
17 heading and inserting “\$5,760”.

18 (B) Paragraph (7) of section 280F(d) is
19 amended—

20 (i) in subparagraph (A), by striking
21 “1988” and inserting “2018”, and

22 (ii) in subparagraph (B)(i)(II), by
23 striking “1987” and inserting “2017”.

24 (b) *REMOVAL OF COMPUTER EQUIPMENT FROM LIST-*
25 *ED PROPERTY.*—

1 (1) *IN GENERAL.*—Section 280F(d)(4)(A) is
2 *amended—*

3 (A) *by inserting “and” at the end of clause*
4 *(iii),*

5 (B) *by striking clause (iv), and*

6 (C) *by redesignating clause (v) as clause*
7 *(iv).*

8 (2) *CONFORMING AMENDMENT.*—Section
9 280F(d)(4) *is amended by striking subparagraph (B)*
10 *and by redesignating subparagraph (C) as subpara-*
11 *graph (B).*

12 (c) *EFFECTIVE DATE.*—*The amendments made by this*
13 *section shall apply to property placed in service after De-*
14 *cember 31, 2017, in taxable years ending after such date.*

15 **SEC. 13203. MODIFICATIONS OF TREATMENT OF CERTAIN**
16 **FARM PROPERTY.**

17 (a) *TREATMENT OF CERTAIN FARM PROPERTY AS 5-*
18 *YEAR PROPERTY.*—*Clause (vii) of section 168(e)(3)(B) is*
19 *amended by striking “after December 31, 2008, and which*
20 *is placed in service before January 1, 2010” and inserting*
21 *“after December 31, 2017”.*

22 (b) *REPEAL OF REQUIRED USE OF 150-PERCENT DE-*
23 *CLINING BALANCE METHOD.*—*Section 168(b)(2) is amend-*
24 *ed by striking subparagraph (B) and by redesignating sub-*

1 paragraphs (C) and (D) as subparagraphs (B) and (C), re-
2 spectively.

3 (c) *EFFECTIVE DATE.*—The amendments made by this
4 section shall apply to property placed in service after De-
5 cember 31, 2017, in taxable years ending after such date.

6 **SEC. 13204. APPLICABLE RECOVERY PERIOD FOR REAL**
7 **PROPERTY.**

8 (a) *RESIDENTIAL RENTAL PROPERTY AND NONRESI-*
9 *DENTIAL REAL PROPERTY.*—

10 (1) *REDUCTION OF RECOVERY PERIOD.*—The
11 table contained in section 168(c) is amended—

12 (A) by striking “27.5 years” and inserting
13 “25 years”, and

14 (B) by striking “39 years” and inserting
15 “25 years”.

16 (2) *STATUTORY RECOVERY PERIOD.*—The table
17 contained in section 467(e)(3)(A) is amended—

18 (A) by inserting “(other than residential
19 rental property and nonresidential real prop-
20 erty)” after “15-year and 20-year property”,
21 and

22 (B) by striking “19 years” and inserting
23 “25 years”.

1 (3) *CONFORMING AMENDMENT.*—Clause (ii) of
2 section 168(e)(2)(B) is amended by striking “27.5
3 years” and inserting “25 years”.

4 (b) *IMPROVEMENTS TO REAL PROPERTY.*—

5 (1) *CLASSIFICATION OF QUALIFIED IMPROVE-*
6 *MENT PROPERTY AS 10-YEAR PROPERTY.*—Subpara-
7 graph (D) of section 168(e)(3) is amended—

8 (A) in clause (iii), by striking “and”,

9 (B) in clause (iv), by striking the period
10 and inserting “, and”, and

11 (C) by adding at the end the following new
12 clause:

13 “(v) any qualified improvement prop-
14 erty described in subsection (e)(6).”.

15 (2) *ELIMINATION OF QUALIFIED LEASEHOLD IM-*
16 *PROVEMENT, QUALIFIED RESTAURANT, AND QUALI-*
17 *FIED RETAIL IMPROVEMENT PROPERTY.*—Subsection
18 (e) of section 168 is amended—

19 (A) in subparagraph (E) of paragraph
20 (3)—

21 (i) by striking clauses (iv), (v), and
22 (ix),

23 (ii) in clause (vii), by inserting “and”
24 at the end,

1 (iii) in clause (viii), by striking “,
2 and” and inserting a period, and
3 (iv) by redesignating clauses (vi), (vii),
4 and (viii), as so amended, as clauses (iv),
5 (v), and (vi), respectively, and
6 (B) by striking paragraphs (6), (7), and
7 (8).

8 (3) *APPLICATION OF STRAIGHT LINE METHOD TO*
9 *QUALIFIED IMPROVEMENT PROPERTY.—Paragraph (3)*
10 *of section 168(b) is amended—*

11 (A) by striking subparagraphs (G), (H),
12 and (I), and

13 (B) by inserting after subparagraph (F) the
14 following new subparagraph:

15 “(G) Qualified improvement property de-
16 scribed in subsection (e)(6).”.

17 (4) *ALTERNATIVE DEPRECIATION SYSTEM.—*

18 (A) *ELECTING REAL PROPERTY TRADE OR*
19 *BUSINESS.—Subsection (g) of section 168 is*
20 *amended—*

21 (i) in paragraph (1)—

22 (I) in subparagraph (D), by strik-
23 ing “and” at the end,

24 (II) in subparagraph (E), by in-
25 serting “and” at the end, and

1 (III) by inserting after subpara-
2 graph (E) the following new subpara-
3 graph:

4 “(F) any property described in paragraph
5 (8),” and

6 (ii) by adding at the end the following
7 new paragraph:

8 “(8) *ELECTING REAL PROPERTY TRADE OR BUSI-*
9 *NESS.—The property described in this paragraph*
10 *shall consist of any nonresidential real property, resi-*
11 *dential rental property, and qualified improvement*
12 *property held by an electing real property trade or*
13 *business (as defined in 163(j)(7)(B)).”.*

14 (B) *QUALIFIED IMPROVEMENT PROPERTY.—*
15 *The table contained in subparagraph (B) of sec-*
16 *tion 168(g)(3) is amended—*

17 (i) by inserting after the item relating
18 to subparagraph (D)(ii) the following new
19 item:

“(D)(v) 20”.

20 , and

21 (ii) by striking the item relating to
22 subparagraph (E)(iv) and all that follows
23 through the item relating to subparagraph
24 (E)(ix) and inserting the following:

“(E)(iv) 20
(E)(v) 30
(E)(vi) 35”.

1 (C) *APPLICABLE RECOVERY PERIOD FOR*
 2 *RESIDENTIAL RENTAL PROPERTY.—The table*
 3 *contained in subparagraph (C) of section*
 4 *168(g)(2) is amended by striking clauses (iii)*
 5 *and (iv) and inserting the following:*

<i>“(iii) Residential rental property</i>	<i>30 years</i>
<i>(iv) Nonresidential real property</i>	<i>40 years</i>
<i>(v) Any railroad grading or tunnel bore or water utility prop- erty</i>	<i>50 years”.</i>

6 (5) *CONFORMING AMENDMENTS.—*

7 (A) *Clause (i) of section 168(k)(2)(A) is*
 8 *amended—*

9 (i) *in subclause (II), by inserting “or”*
 10 *after the comma,*

11 (ii) *in subclause (III), by striking “or”*
 12 *at the end, and*

13 (iii) *by striking subclause (IV).*

14 (B) *Section 168 is amended—*

15 (i) *in subsection (e), as amended by*
 16 *paragraph (2)(B), by adding at the end the*
 17 *following:*

18 “(6) *QUALIFIED IMPROVEMENT PROPERTY.—*

19 “(A) *IN GENERAL.—The term ‘qualified im-*
 20 *provement property’ means any improvement to*
 21 *an interior portion of a building which is non-*
 22 *residential real property if such improvement is*
 23 *placed in service after the date such building was*
 24 *first placed in service.*

1 “(B) CERTAIN IMPROVEMENTS NOT IN-
2 CLUDED.—Such term shall not include any im-
3 provement for which the expenditure is attrib-
4 utable to—

5 “(i) the enlargement of the building,

6 “(ii) any elevator or escalator, or

7 “(iii) the internal structural frame-
8 work of the building.”.

9 (ii) in subsection (k), by striking para-
10 graph (3).

11 (c) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the amendments made by this section shall
14 apply to property placed in service after December
15 31, 2017.

16 (2) AMENDMENTS RELATED TO ELECTING REAL
17 PROPERTY TRADE OR BUSINESS.—The amendments
18 made by subsection (b)(4)(A) shall apply to taxable
19 years beginning after December 31, 2017.

20 **SEC. 13205. USE OF ALTERNATIVE DEPRECIATION SYSTEM**
21 **FOR ELECTING FARMING BUSINESSES.**

22 (a) IN GENERAL.—Section 168(g)(1), as amended by
23 section 13204, is amended by striking “and” at the end of
24 subparagraph (E), by inserting “and” at the end of sub-

1 paragraph (F), and by inserting after subparagraph (F)
2 the following new subparagraph:

3 “(G) any property with a recovery period of
4 10 years or more which is held by an electing
5 farming business (as defined in section
6 163(j)(7)(C)),”.

7 (b) *EFFECTIVE DATE.*—The amendments made by this
8 section shall apply to taxable years beginning after Decem-
9 ber 31, 2017.

10 **SEC. 13206. AMORTIZATION OF RESEARCH AND EXPERI-**
11 **MENTAL EXPENDITURES.**

12 (a) *IN GENERAL.*—Section 174 is amended to read as
13 follows:

14 **“SEC. 174. AMORTIZATION OF RESEARCH AND EXPERI-**
15 **MENTAL EXPENDITURES.**

16 “(a) *IN GENERAL.*—In the case of a taxpayer’s speci-
17 fied research or experimental expenditures for any taxable
18 year—

19 “(1) except as provided in paragraph (2), no de-
20 duction shall be allowed for such expenditures, and

21 “(2) the taxpayer shall—

22 “(A) charge such expenditures to capital ac-
23 count, and

24 “(B) be allowed an amortization deduction
25 of such expenditures ratably over the 5-year pe-

1 *riod (15-year period in the case of any specified*
2 *research or experimental expenditures which are*
3 *attributable to foreign research (within the*
4 *meaning of section 41(d)(4)(F))) beginning with*
5 *the midpoint of the taxable year in which such*
6 *expenditures are paid or incurred.*

7 “(b) *SPECIFIED RESEARCH OR EXPERIMENTAL EX-*
8 *PENDITURES.*—*For purposes of this section, the term ‘speci-*
9 *fied research or experimental expenditures’ means, with re-*
10 *spect to any taxable year, research or experimental expendi-*
11 *tures which are paid or incurred by the taxpayer during*
12 *such taxable year in connection with the taxpayer’s trade*
13 *or business.*

14 “(c) *SPECIAL RULES.*—

15 “(1) *LAND AND OTHER PROPERTY.*—*This section*
16 *shall not apply to any expenditure for the acquisition*
17 *or improvement of land, or for the acquisition or im-*
18 *provement of property to be used in connection with*
19 *the research or experimentation and of a character*
20 *which is subject to the allowance under section 167*
21 *(relating to allowance for depreciation, etc.) or section*
22 *611 (relating to allowance for depletion); but for pur-*
23 *poses of this section allowances under section 167,*
24 *and allowances under section 611, shall be considered*
25 *as expenditures.*

1 “(2) *EXPLORATION EXPENDITURES.*—*This sec-*
2 *tion shall not apply to any expenditure paid or in-*
3 *curring for the purpose of ascertaining the existence,*
4 *location, extent, or quality of any deposit of ore or*
5 *other mineral (including oil and gas).*

6 “(3) *SOFTWARE DEVELOPMENT.*—*For purposes*
7 *of this section, any amount paid or incurred in con-*
8 *nection with the development of any software shall be*
9 *treated as a research or experimental expenditure.*

10 “(d) *TREATMENT UPON DISPOSITION, RETIREMENT,*
11 *OR ABANDONMENT.*—*If any property with respect to which*
12 *specified research or experimental expenditures are paid or*
13 *incurred is disposed, retired, or abandoned during the pe-*
14 *riod during which such expenditures are allowed as an am-*
15 *ortization deduction under this section, no deduction shall*
16 *be allowed with respect to such expenditures on account of*
17 *such disposition, retirement, or abandonment and such am-*
18 *ortization deduction shall continue with respect to such ex-*
19 *penditures.”.*

20 “(b) *CHANGE IN METHOD OF ACCOUNTING.*—*The*
21 *amendments made by subsection (a) shall be treated as a*
22 *change in method of accounting for purposes of section 481*
23 *of the Internal Revenue Code of 1986 and—*

24 (1) *such change shall be treated as initiated by*
25 *the taxpayer,*

1 (2) *such change shall be treated as made with the*
2 *consent of the Secretary, and*

3 (3) *such change shall be applied only on a cut-*
4 *off basis for any research or experimental expendi-*
5 *tures paid or incurred in taxable years beginning*
6 *after December 31, 2025, and no adjustments under*
7 *section 481(a) shall be made.*

8 (c) *CLERICAL AMENDMENT.—The table of sections for*
9 *part VI of subchapter B of chapter 1 is amended by striking*
10 *the item relating to section 174 and inserting the following*
11 *new item:*

 “*Sec. 174. Amortization of research and experimental expenditures.*”.

12 (d) *CONFORMING AMENDMENTS.—*

13 (1) *Section 41(d)(1)(A) is amended by striking*
14 “*expenses under section 174*” *and inserting “specified*
15 *research or experimental expenditures under section*
16 *174*”.

17 (2) *Subsection (c) of section 280C is amended—*

18 (A) *by striking paragraph (1) and inserting*
19 *the following:*

20 “(1) *IN GENERAL.—If—*

21 “(A) *the amount of the credit determined*
22 *for the taxable year under section 41(a)(1), ex-*
23 *ceeds*

1 (A) shall apply to amounts paid or in-
2 curred by a person (other than the taxpayer
3 described in subparagraph (A)) if—

4 “(I) the taxpayer described in
5 subparagraph (A) has an equity inter-
6 est of not less than 50 percent in the
7 replanted citrus plants at all times
8 during the taxable year in which such
9 amounts were paid or incurred and
10 such other person holds any part of the
11 remaining equity interest, or

12 “(II) such other person acquired
13 the entirety of such taxpayer’s equity
14 interest in the land on which the lost
15 or damaged citrus plants were located
16 at the time of such loss or damage, and
17 the replanting is on such land.

18 “(ii) *TERMINATION.*—Clause (i) shall
19 not apply to any cost paid or incurred after
20 the date which is 10 years after the date of
21 the enactment of the Tax Cuts and Jobs
22 Act.”.

23 (b) *EFFECTIVE DATE.*—The amendment made by this
24 section shall apply to costs paid or incurred after the date
25 of the enactment of this Act.

1 **Subpart B—Accounting Methods**

2 **SEC. 13221. CERTAIN SPECIAL RULES FOR TAXABLE YEAR**
3 **OF INCLUSION.**

4 (a) *INCLUSION NOT LATER THAN FOR FINANCIAL AC-*
5 *COUNTING PURPOSES.*—Section 451 is amended by redesi-
6 *gnating subsections (b) through (i) as subsections (c) through*
7 *(j), respectively, and by inserting after subsection (a) the*
8 *following new subsection:*

9 “(b) *INCLUSION NOT LATER THAN FOR FINANCIAL AC-*
10 *COUNTING PURPOSES.*—

11 “(1) *INCOME TAKEN INTO ACCOUNT IN FINANCIAL*
12 *STATEMENT.*—

13 “(A) *IN GENERAL.*—*In the case of a tax-*
14 *payer the taxable income of which is computed*
15 *under an accrual method of accounting, the all*
16 *events test with respect to any item of gross in-*
17 *come (or portion thereof) shall not be treated as*
18 *met any later than when such item (or portion*
19 *thereof) is taken into account as revenue in—*

20 “(i) *an applicable financial statement*
21 *of the taxpayer, or*

22 “(ii) *such other financial statement as*
23 *the Secretary may specify for purposes of*
24 *this subsection.*

25 “(B) *EXCEPTION.*—*This paragraph shall*
26 *not apply to—*

1 “(i) a taxpayer which does not have a
2 financial statement described in clause (i)
3 or (ii) of subparagraph (A) for a taxable
4 year, or

5 “(ii) any item of gross income in con-
6 nection with a mortgage servicing contract.

7 “(C) ALL EVENTS TEST.—For purposes of
8 this section, the all events test is met with respect
9 to any item of gross income if all the events have
10 occurred which fix the right to receive such in-
11 come and the amount of such income can be de-
12 termined with reasonable accuracy.

13 “(2) COORDINATION WITH SPECIAL METHODS OF
14 ACCOUNTING.—Paragraph (1) shall not apply with
15 respect to any item of gross income for which the tax-
16 payer uses a special method of accounting provided
17 under any other provision of this chapter, other than
18 any provision of part V of subchapter P (except as
19 provided in clause (ii) of paragraph (1)(B)).

20 “(3) APPLICABLE FINANCIAL STATEMENT.—For
21 purposes of this subsection, the term ‘applicable fi-
22 nancial statement’ means—

23 “(A) a financial statement which is cer-
24 tified as being prepared in accordance with gen-

1 *erally accepted accounting principles and which*
2 *is—*

3 *“(i) a 10-K (or successor form), or an-*
4 *annual statement to shareholders, required to*
5 *be filed by the taxpayer with the United*
6 *States Securities and Exchange Commis-*
7 *sion,*

8 *“(ii) an audited financial statement of*
9 *the taxpayer which is used for—*

10 *“(I) credit purposes,*

11 *“(II) reporting to shareholders,*
12 *partners, or other proprietors, or to*
13 *beneficiaries, or*

14 *“(III) any other substantial*
15 *nontax purpose,*

16 *but only if there is no statement of the tax-*
17 *payer described in clause (i), or*

18 *“(iii) filed by the taxpayer with any*
19 *other Federal agency for purposes other*
20 *than Federal tax purposes, but only if there*
21 *is no statement of the taxpayer described in*
22 *clause (i) or (ii),*

23 *“(B) a financial statement which is made*
24 *on the basis of international financial reporting*
25 *standards and is filed by the taxpayer with an*

1 *agency of a foreign government which is equiva-*
2 *lent to the United States Securities and Ex-*
3 *change Commission and which has reporting*
4 *standards not less stringent than the standards*
5 *required by such Commission, but only if there*
6 *is no statement of the taxpayer described in sub-*
7 *paragraph (A), or*

8 *“(C) a financial statement filed by the tax-*
9 *payer with any other regulatory or governmental*
10 *body specified by the Secretary, but only if there*
11 *is no statement of the taxpayer described in sub-*
12 *paragraph (A) or (B).*

13 *“(4) ALLOCATION OF TRANSACTION PRICE.—For*
14 *purposes of this subsection, in the case of a contract*
15 *which contains multiple performance obligations, the*
16 *allocation of the transaction price to each perform-*
17 *ance obligation shall be equal to the amount allocated*
18 *to each performance obligation for purposes of includ-*
19 *ing such item in revenue in the applicable financial*
20 *statement of the taxpayer.*

21 *“(5) GROUP OF ENTITIES.—For purposes of*
22 *paragraph (1), if the financial results of a taxpayer*
23 *are reported on the applicable financial statement (as*
24 *defined in paragraph (3)) for a group of entities, such*

1 *statement may be treated as the applicable financial*
2 *statement of the taxpayer.”.*

3 *(b) TREATMENT OF ADVANCE PAYMENTS.—Section*
4 *451, as amended by subsection (a), is amended by redesignig-*
5 *ating subsections (c) through (j) as subsections (d) through*
6 *(k), respectively, and by inserting after subsection (b) the*
7 *following new subsection:*

8 *“(c) TREATMENT OF ADVANCE PAYMENTS.—*

9 *“(1) IN GENERAL.—A taxpayer which computes*
10 *taxable income under the accrual method of account-*
11 *ing, and receives any advance payment during the*
12 *taxable year, shall—*

13 *“(A) except as provided in subparagraph*
14 *(B), include such advance payment in gross in-*
15 *come for such taxable year, or*

16 *“(B) if the taxpayer elects the application*
17 *of this subparagraph with respect to the category*
18 *of advance payments to which such advance pay-*
19 *ment belongs, the taxpayer shall—*

20 *“(i) to the extent that any portion of*
21 *such advance payment is required under*
22 *subsection (b) to be included in gross in-*
23 *come in the taxable year in which such pay-*
24 *ment is received, so include such portion,*
25 *and*

1 “(ii) include the remaining portion of
2 such advance payment in gross income in
3 the taxable year following the taxable year
4 in which such payment is received.

5 “(2) *ELECTION.*—

6 “(A) *IN GENERAL.*—*Except as otherwise*
7 *provided in this paragraph, the election under*
8 *paragraph (1)(B) shall be made at such time, in*
9 *such form and manner, and with respect to such*
10 *categories of advance payments, as the Secretary*
11 *may provide.*

12 “(B) *PERIOD TO WHICH ELECTION AP-*
13 *PLIES.*—*An election under paragraph (1)(B)*
14 *shall be effective for the taxable year with respect*
15 *to which it is first made and for all subsequent*
16 *taxable years, unless the taxpayer secures the*
17 *consent of the Secretary to revoke such election.*
18 *For purposes of this title, the computation of*
19 *taxable income under an election made under*
20 *paragraph (1)(B) shall be treated as a method of*
21 *accounting.*

22 “(3) *TAXPAYERS CEASING TO EXIST.*—*Except as*
23 *otherwise provided by the Secretary, the election*
24 *under paragraph (1)(B) shall not apply with respect*
25 *to advance payments received by the taxpayer during*

1 a taxable year if such taxpayer ceases to exist during
2 (or with the close of) such taxable year.

3 “(4) *ADVANCE PAYMENT.*—For purposes of this
4 subsection—

5 “(A) *IN GENERAL.*—The term ‘advance pay-
6 ment’ means any payment—

7 “(i) the full inclusion of which in the
8 gross income of the taxpayer for the taxable
9 year of receipt is a permissible method of
10 accounting under this section (determined
11 without regard to this subsection),

12 “(ii) any portion of which is included
13 in revenue by the taxpayer in a financial
14 statement described in clause (i) or (ii) of
15 subsection (b)(1)(A) for a subsequent taxable
16 year, and

17 “(iii) which is for goods, services, or
18 such other items as may be identified by the
19 Secretary for purposes of this clause.

20 “(B) *EXCLUSIONS.*—Except as otherwise
21 provided by the Secretary, such term shall not
22 include—

23 “(i) rent,

24 “(ii) insurance premiums governed by
25 subchapter L,

1 “(iii) payments with respect to finan-
2 cial instruments,

3 “(iv) payments with respect to war-
4 ranty or guarantee contracts under which a
5 third party is the primary obligor,

6 “(v) payments subject to section
7 871(a), 881, 1441, or 1442,

8 “(vi) payments in property to which
9 section 83 applies, and

10 “(vii) any other payment identified by
11 the Secretary for purposes of this subpara-
12 graph.

13 “(C) RECEIPT.—For purposes of this sub-
14 section, an item of gross income is received by
15 the taxpayer if it is actually or constructively re-
16 ceived, or if it is due and payable to the tax-
17 payer.

18 “(D) ALLOCATION OF TRANSACTION
19 PRICE.—For purposes of this subsection, rules
20 similar to subsection (b)(4) shall apply.”.

21 (c) EFFECTIVE DATE.—The amendments made by this
22 section shall apply to taxable years beginning after Decem-
23 ber 31, 2017.

24 (d) COORDINATION WITH SECTION 481.—

1 (1) *IN GENERAL.*—*In the case of any qualified*
2 *change in method of accounting for the taxpayer’s*
3 *first taxable year beginning after December 31,*
4 *2017—*

5 (A) *such change shall be treated as initiated*
6 *by the taxpayer, and*

7 (B) *such change shall be treated as made*
8 *with the consent of the Secretary of the Treasury.*

9 (2) *QUALIFIED CHANGE IN METHOD OF AC-*
10 *COUNTING.*—*For purposes of this subsection, the term*
11 *“qualified change in method of accounting” means*
12 *any change in method of accounting which—*

13 (A) *is required by the amendments made by*
14 *this section, or*

15 (B) *was prohibited under the Internal Rev-*
16 *enue Code of 1986 prior to such amendments*
17 *and is permitted under such Code after such*
18 *amendments.*

19 (e) *SPECIAL RULES FOR ORIGINAL ISSUE DIS-*
20 *COUNT.*—*Notwithstanding subsection (c), in the case of in-*
21 *come from a debt instrument having original issue dis-*
22 *count—*

23 (1) *the amendments made by this section shall*
24 *apply to taxable years beginning after December 31,*
25 *2018, and*

1 (2) *the period for taking into account any ad-*
2 *justments under section 481 by reason of a qualified*
3 *change in method of accounting (as defined in sub-*
4 *section (d)) shall be 6 years.*

5 **PART IV—BUSINESS-RELATED EXCLUSIONS AND**
6 **DEDUCTIONS**

7 **SEC. 13301. LIMITATION ON DEDUCTION FOR INTEREST.**

8 (a) *IN GENERAL.—Section 163(j) is amended to read*
9 *as follows:*

10 “(j) *LIMITATION ON BUSINESS INTEREST.—*

11 “(1) *IN GENERAL.—The amount allowed as a de-*
12 *duction under this chapter for any taxable year for*
13 *business interest shall not exceed the sum of—*

14 “(A) *the business interest income of such*
15 *taxpayer for such taxable year, plus*

16 “(B) *30 percent of the adjusted taxable in-*
17 *come of such taxpayer for such taxable year.*

18 *The amount determined under subparagraph (B)*
19 *shall not be less than zero.*

20 “(2) *CARRYFORWARD OF DISALLOWED BUSINESS*
21 *INTEREST.—The amount of any business interest not*
22 *allowed as a deduction for any taxable year by reason*
23 *of paragraph (1) shall be treated as business interest*
24 *paid or accrued in the succeeding taxable year.*

1 “(3) *EXEMPTION FOR CERTAIN SMALL BUSI-*
2 *NESSES.—In the case of any taxpayer (other than a*
3 *tax shelter prohibited from using the cash receipts*
4 *and disbursements method of accounting under sec-*
5 *tion 448(a)(3)) which meets the gross receipts test of*
6 *section 448(c) for any taxable year, paragraph (1)*
7 *shall not apply to such taxpayer for such taxable*
8 *year. In the case of any taxpayer which is not a cor-*
9 *poration or a partnership, the gross receipts test of*
10 *section 448(c) shall be applied in the same manner as*
11 *if such taxpayer were a corporation or partnership.*

12 “(4) *APPLICATION TO PARTNERSHIPS, ETC.—*

13 “(A) *IN GENERAL.—In the case of any part-*
14 *nership—*

15 “(i) *this subsection shall be applied at*
16 *the partnership level and any deduction for*
17 *business interest shall be taken into account*
18 *in determining the non-separately stated*
19 *taxable income or loss of the partnership,*
20 *and*

21 “(ii) *the adjusted taxable income of*
22 *each partner of such partnership—*

23 “(I) *shall be determined without*
24 *regard to such partner’s distributive*
25 *share of any items of income, gain, de-*

1 *duction, or loss of such partnership,*
2 *and*

3 *“(II) shall be increased by such*
4 *partner’s distributive share of such*
5 *partnership’s excess taxable income.*

6 *For purposes of clause (ii)(II), a partner’s*
7 *distributive share of partnership excess tax-*
8 *able income shall be determined in the same*
9 *manner as the partner’s distributive share*
10 *of nonseparately stated taxable income or*
11 *loss of the partnership.*

12 *“(B) SPECIAL RULES FOR*
13 *CARRYFORWARDS.—*

14 *“(i) IN GENERAL.—The amount of any*
15 *business interest not allowed as a deduction*
16 *to a partnership for any taxable year by*
17 *reason of paragraph (1) for any taxable*
18 *year—*

19 *“(I) shall not be treated under*
20 *paragraph (2) as business interest paid*
21 *or accrued by the partnership in the*
22 *succeeding taxable year, and*

23 *“(II) shall, subject to clause (i),*
24 *be treated as excess business interest*
25 *which is allocated to each partner in*

1 *the same manner as the non-separately*
2 *stated taxable income or loss of the*
3 *partnership.*

4 “(i) *TREATMENT OF EXCESS BUSI-*
5 *NESS INTEREST ALLOCATED TO PART-*
6 *NERS.—If a partner is allocated any excess*
7 *business interest from a partnership under*
8 *clause (i) for any taxable year—*

9 “(I) *such excess business interest*
10 *shall be treated as business interest*
11 *paid or accrued by the partner in the*
12 *next succeeding taxable year in which*
13 *the partner is allocated excess taxable*
14 *income from such partnership, but*
15 *only to the extent of such excess taxable*
16 *income, and*

17 “(II) *any portion of such excess*
18 *business interest remaining after the*
19 *application of subclause (I) shall, sub-*
20 *ject to the limitations of subclause (I),*
21 *be treated as business interest paid or*
22 *accrued in succeeding taxable years.*

23 *For purposes of applying this paragraph,*
24 *excess taxable income allocated to a partner*
25 *from a partnership for any taxable year*

1 *shall not be taken into account under para-*
2 *graph (1)(A) with respect to any business*
3 *interest other than excess business interest*
4 *from the partnership until all such excess*
5 *business interest for such taxable year and*
6 *all preceding taxable years has been treated*
7 *as paid or accrued under clause (ii).*

8 “(iii) *BASIS ADJUSTMENTS.—*

9 “(I) *IN GENERAL.—The adjusted*
10 *basis of a partner in a partnership in-*
11 *terest shall be reduced (but not below*
12 *zero) by the amount of excess business*
13 *interest allocated to the partner under*
14 *clause (i)(II).*

15 “(II) *SPECIAL RULE FOR DISPOSI-*
16 *TIONS.—If a partner disposes of a*
17 *partnership interest, the adjusted basis*
18 *of the partner in the partnership inter-*
19 *est shall be increased immediately be-*
20 *fore the disposition by the amount of*
21 *the excess (if any) of the amount of the*
22 *basis reduction under subclause (I)*
23 *over the portion of any excess business*
24 *interest allocated to the partner under*
25 *clause (i)(II) which has previously*

1 *been treated under clause (ii) as busi-*
2 *ness interest paid or accrued by the*
3 *partner. The preceding sentence shall*
4 *also apply to transfers of the partner-*
5 *ship interest (including by reason of*
6 *death) in a transaction in which gain*
7 *is not recognized in whole or in part.*
8 *No deduction shall be allowed to the*
9 *transferor or transferee under this*
10 *chapter for any excess business interest*
11 *resulting in a basis increase under this*
12 *subclause.*

13 “(C) *EXCESS TAXABLE INCOME.*—*The term*
14 *‘excess taxable income’ means, with respect to*
15 *any partnership, the amount which bears the*
16 *same ratio to the partnership’s adjusted taxable*
17 *income as—*

18 “(i) *the excess (if any) of—*

19 “(I) *the amount determined for*
20 *the partnership under paragraph*
21 “(1)(B), *over*

22 “(II) *the amount (if any) by*
23 *which the business interest of the part-*
24 *nership exceeds the business interest in-*
25 *come of the partnership, bears to*

1 “(ii) the amount determined for the
2 partnership under paragraph (1)(B).

3 “(D) APPLICATION TO S CORPORATIONS.—
4 Rules similar to the rules of subparagraphs (A)
5 and (C) shall apply with respect to any S cor-
6 poration and its shareholders.

7 “(5) BUSINESS INTEREST.—For purposes of this
8 subsection, the term ‘business interest’ means any in-
9 terest paid or accrued on indebtedness properly allo-
10 cable to a trade or business. Such term shall not in-
11 clude investment interest (within the meaning of sub-
12 section (d)).

13 “(6) BUSINESS INTEREST INCOME.—For pur-
14 poses of this subsection, the term ‘business interest in-
15 come’ means the amount of interest includible in the
16 gross income of the taxpayer for the taxable year
17 which is properly allocable to a trade or business.
18 Such term shall not include investment income (with-
19 in the meaning of subsection (d)).

20 “(7) TRADE OR BUSINESS.—For purposes of this
21 subsection—

22 “(A) IN GENERAL.—The term ‘trade or
23 business’ shall not include—

24 “(i) the trade or business of performing
25 services as an employee,

1 “(ii) any electing real property trade
2 or business,

3 “(iii) any electing farming business, or

4 “(iv) the trade or business of the fur-
5 nishing or sale of—

6 “(I) electrical energy, water, or
7 sewage disposal services,

8 “(II) gas or steam through a local
9 distribution system, or

10 “(III) transportation of gas or
11 steam by pipeline,

12 if the rates for such furnishing or sale, as
13 the case may be, have been established or
14 approved by a State or political subdivision
15 thereof, by any agency or instrumentality of
16 the United States, by a public service or
17 public utility commission or other similar
18 body of any State or political subdivision
19 thereof, or by the governing or ratemaking
20 body of an electric cooperative.

21 “(B) *ELECTING REAL PROPERTY TRADE OR*
22 *BUSINESS.—For purposes of this paragraph, the*
23 *term ‘electing real property trade or business’*
24 *means any trade or business which is described*
25 *in section 469(c)(7)(C) and which makes an elec-*

1 *tion under this subparagraph. Any such election*
2 *shall be made at such time and in such manner*
3 *as the Secretary shall prescribe, and, once made,*
4 *shall be irrevocable.*

5 “(C) *ELECTING FARMING BUSINESS.*—*For*
6 *purposes of this paragraph, the term ‘electing*
7 *farming business’ means—*

8 “(i) *a farming business (as defined in*
9 *section 263A(e)(4)) which makes an election*
10 *under this subparagraph, or*

11 “(ii) *any trade or business of a speci-*
12 *fied agricultural or horticultural coopera-*
13 *tive (as defined in section 199A(g)(2)) with*
14 *respect to which the cooperative makes an*
15 *election under this subparagraph.*

16 *Any such election shall be made at such time*
17 *and in such manner as the Secretary shall pre-*
18 *scribe, and, once made, shall be irrevocable.*

19 “(8) *ADJUSTED TAXABLE INCOME.*—*For pur-*
20 *poses of this subsection, the term ‘adjusted taxable in-*
21 *come’ means the taxable income of the taxpayer—*

22 “(A) *computed without regard to—*

23 “(i) *any item of income, gain, deduc-*
24 *tion, or loss which is not properly allocable*
25 *to a trade or business,*

1 “(ii) any business interest or business
2 interest income,

3 “(iii) the amount of any net operating
4 loss deduction under section 172, and

5 “(iv) the amount of any deduction al-
6 lowed under section 199 or 199A, and

7 “(B) computed with such other adjustments
8 as provided by the Secretary.

9 “(9) CROSS REFERENCES.—

10 “(A) For requirement that an electing real
11 property trade or business use the alternative de-
12 preciation system, see section 168(g)(1)(F).

13 “(B) For requirement that an electing farm-
14 ing business use the alternative depreciation sys-
15 tem, see section 168(g)(1)(G).”.

16 (b) TREATMENT OF CARRYFORWARD OF DISALLOWED
17 BUSINESS INTEREST IN CERTAIN CORPORATE ACQUI-
18 TIONS.—

19 (1) IN GENERAL.—Section 381(c) is amended by
20 inserting after paragraph (19) the following new
21 paragraph:

22 “(20) CARRYFORWARD OF DISALLOWED BUSI-
23 NESS INTEREST.—The carryover of disallowed busi-
24 ness interest described in section 163(j)(2) to taxable

1 *years ending after the date of distribution or trans-*
2 *fer.”.*

3 (2) *APPLICATION OF LIMITATION.*—Section
4 382(d) is amended by adding at the end the following
5 new paragraph:

6 “(3) *APPLICATION TO CARRYFORWARD OF DIS-*
7 *ALLOWED INTEREST.*—The term ‘pre-change loss’
8 shall include any carryover of disallowed interest de-
9 scribed in section 163(n) under rules similar to the
10 rules of paragraph (1).”.

11 (3) *CONFORMING AMENDMENT.*—Section
12 382(k)(1) is amended by inserting after the first sen-
13 tence the following: “Such term shall include any cor-
14 poration entitled to use a carryforward of disallowed
15 interest described in section 381(c)(20).”.

16 (c) *EFFECTIVE DATE.*—The amendments made by this
17 section shall apply to taxable years beginning after Decem-
18 ber 31, 2017.

19 **SEC. 13302. MODIFICATION OF NET OPERATING LOSS DE-**
20 **DUCTION.**

21 (a) *LIMITATION ON DEDUCTION.*—

22 (1) *IN GENERAL.*—Section 172(a) is amended to
23 read as follows:

1 “(a) *DEDUCTION ALLOWED.*—*There shall be allowed*
2 *as a deduction for the taxable year an amount equal to the*
3 *lesser of—*

4 “(1) *the aggregate of the net operating loss*
5 *carryovers to such year, plus the net operating loss*
6 *carrybacks to such year, or*

7 “(2) *90 percent (80 percent in the case of taxable*
8 *years beginning after December 31, 2022) of taxable*
9 *income computed without regard to the deduction al-*
10 *lowable under this section.*

11 *For purposes of this subtitle, the term ‘net operating loss*
12 *deduction’ means the deduction allowed by this subsection.”.*

13 (2) *COORDINATION OF LIMITATION WITH*
14 *CARRYBACKS AND CARRYOVERS.*—*Section 172(b)(2) is*
15 *amended by striking “shall be computed—” and all*
16 *that follows and inserting “shall—*

17 “(A) *be computed with the modifications*
18 *specified in subsection (d) other than paragraphs*
19 *(1), (4), and (5) thereof, and by determining the*
20 *amount of the net operating loss deduction with-*
21 *out regard to the net operating loss for the loss*
22 *year or for any taxable year thereafter,*

23 “(B) *not be considered to be less than zero,*
24 *and*

1 “(C) not exceed the amount determined
2 under subsection (a)(2) for such prior taxable
3 year.”.

4 (3) CONFORMING AMENDMENT.—Section
5 172(d)(6) is amended by striking “and” at the end of
6 subparagraph (A), by striking the period at the end
7 of subparagraph (B) and inserting “; and”, and by
8 adding at the end the following new subparagraph:

9 “(C) subsection (a)(2) shall be applied by
10 substituting ‘real estate investment trust taxable
11 income (as defined in section 857(b)(2) but with-
12 out regard to the deduction for dividends paid
13 (as defined in section 561))’ for ‘taxable in-
14 come’.”.

15 (b) REPEAL OF NET OPERATING LOSS CARRYBACK;
16 INDEFINITE CARRYFORWARD.—

17 (1) IN GENERAL.—Section 172(b)(1)(A) is
18 amended—

19 (A) by striking “shall be a net operating
20 loss carryback to each of the 2 taxable years” in
21 clause (i) and inserting “except as otherwise pro-
22 vided in this paragraph, shall not be a net oper-
23 ating loss carryback to any taxable year”, and

1 (B) by striking “to each of the 20 taxable
2 years” in clause (ii) and inserting “to each tax-
3 able year”.

4 (2) CONFORMING AMENDMENT.—Section
5 172(b)(1) is amended by striking subparagraphs (B)
6 through (F).

7 (c) TREATMENT OF FARMING LOSSES.—

8 (1) ALLOWANCE OF CARRYBACKS.—Section
9 172(b)(1), as amended by subsection (b)(2), is amend-
10 ed by adding at the end the following new subpara-
11 graph:

12 “(B) FARMING LOSSES.—

13 “(i) IN GENERAL.—In the case of any
14 portion of a net operating loss for the tax-
15 able year which is a farming loss with re-
16 spect to the taxpayer, such loss shall be a
17 net operating loss carryback to each of the
18 2 taxable years preceding the taxable year
19 of such loss.

20 “(ii) FARMING LOSS.—For purposes of
21 this section, the term ‘farming loss’ means
22 the lesser of—

23 “(I) the amount which would be
24 the net operating loss for the taxable
25 year if only income and deductions at-

1 *tributable to farming businesses (as de-*
2 *defined in section 263A(e)(4)) are taken*
3 *into account, or*

4 *“(II) the amount of the net oper-*
5 *ating loss for such taxable year.*

6 *“(iii) COORDINATION WITH PARA-*
7 *GRAPH (2).—For purposes of applying para-*
8 *graph (2), a farming loss for any taxable*
9 *year shall be treated as a separate net oper-*
10 *ating loss for such taxable year to be taken*
11 *into account after the remaining portion of*
12 *the net operating loss for such taxable year.*

13 *“(iv) ELECTION.—Any taxpayer enti-*
14 *tled to a 2-year carryback under clause (i)*
15 *from any loss year may elect not to have*
16 *such clause apply to such loss year. Such*
17 *election shall be made in such manner as*
18 *prescribed by the Secretary and shall be*
19 *made by the due date (including extensions*
20 *of time) for filing the taxpayer’s return for*
21 *the taxable year of the net operating loss.*
22 *Such election, once made for any taxable*
23 *year, shall be irrevocable for such taxable*
24 *year.”.*

25 (2) *CONFORMING AMENDMENTS.—*

1 (A) Section 172 is amended by striking sub-
2 sections (f), (g), and (h), and by redesignating
3 subsection (i) as subsection (f).

4 (B) Section 537(b)(4) is amended by insert-
5 ing “(as in effect before the date of enactment of
6 the Tax Cuts and Jobs Act)” after “as defined in
7 section 172(f)”.

8 (d) TREATMENT OF CERTAIN INSURANCE LOSSES.—

9 (1) TREATMENT OF CARRYFORWARDS AND
10 CARRYBACKS.—Section 172(b)(1), as amended by sub-
11 sections (b)(2) and (c)(1), is amended by adding at
12 the end the following new subparagraph:

13 “(C) INSURANCE COMPANIES.—In the case
14 of an insurance company (as defined in section
15 816(a)) other than a life insurance company, the
16 net operating loss for any taxable year—

17 “(i) shall be a net operating loss
18 carryback to each of the 2 taxable years pre-
19 ceding the taxable year of such loss, and

20 “(ii) shall be a net operating loss car-
21 ryover to each of the 20 taxable years fol-
22 lowing the taxable year of the loss.”.

23 (2) EXEMPTION FROM LIMITATION.—Section 172,
24 as amended by subsection (c)(2)(A), is amended by re-
25 designating subsection (f) as subsection (g) and in-

1 serting after subsection (e) the following new sub-
2 section:

3 “(f) *SPECIAL RULE FOR INSURANCE COMPANIES.*—In
4 the case of an insurance company (as defined in section
5 816(a)) other than a life insurance company—

6 “(1) the amount of the deduction allowed under
7 subsection (a) shall be the aggregate of the net oper-
8 ating loss carryovers to such year, plus the net oper-
9 ating loss carrybacks to such year, and

10 “(2) subparagraph (C) of subsection (b)(2) shall
11 not apply.”.

12 (e) *EFFECTIVE DATE.*—

13 (1) *NET OPERATING LOSS LIMITATION.*—The
14 amendments made by subsections (a) and (d)(2) shall
15 apply to losses arising in taxable years beginning
16 after December 31, 2017.

17 (2) *CARRYFORWARDS AND CARRYBACKS.*—The
18 amendments made by subsections (b), (c), and (d)(1)
19 shall apply to net operating losses arising in taxable
20 years ending after December 31, 2017.

21 **SEC. 13303. LIKE-KIND EXCHANGES OF REAL PROPERTY.**

22 (a) *IN GENERAL.*—Section 1031(a)(1) is amended by
23 striking “property” each place it appears and inserting
24 “real property”.

25 (b) *CONFORMING AMENDMENTS.*—

1 (1)(A) Paragraph (2) of section 1031(a) is
2 amended to read as follows:

3 “(2) *EXCEPTION FOR REAL PROPERTY HELD FOR*
4 *SALE.—This subsection shall not apply to any ex-*
5 *change of real property held primarily for sale.”.*

6 (B) Section 1031 is amended by striking sub-
7 section (i).

8 (2) Section 1031 is amended by striking sub-
9 section (e).

10 (3) Section 1031, as amended by paragraph (2),
11 is amended by inserting after subsection (d) the fol-
12 lowing new subsection:

13 “(e) *APPLICATION TO CERTAIN PARTNERSHIPS.—For*
14 *purposes of this section, an interest in a partnership which*
15 *has in effect a valid election under section 761(a) to be ex-*
16 *cluded from the application of all of subchapter K shall be*
17 *treated as an interest in each of the assets of such partner-*
18 *ship and not as an interest in a partnership.”.*

19 (4) Section 1031(h) is amended to read as fol-
20 lows:

21 “(h) *SPECIAL RULES FOR FOREIGN REAL PROP-*
22 *ERTY.—Real property located in the United States and real*
23 *property located outside the United States are not property*
24 *of a like kind.”.*

1 (5) *The heading of section 1031 is amended by*
 2 *striking “PROPERTY” and inserting “REAL PROP-*
 3 *ERTY”.*

4 (6) *The table of sections for part III of sub-*
 5 *chapter O of chapter 1 is amended by striking the*
 6 *item relating to section 1031 and inserting the fol-*
 7 *lowing new item:*

“Sec. 1031. Exchange of real property held for productive use or investment.”.

8 (c) *EFFECTIVE DATE.—*

9 (1) *IN GENERAL.—Except as otherwise provided*
 10 *in this subsection, the amendments made by this sec-*
 11 *tion shall apply to exchanges completed after Decem-*
 12 *ber 31, 2017.*

13 (2) *TRANSITION RULE.—The amendments made*
 14 *by this section shall not apply to any exchange if—*

15 (A) *the property disposed of by the taxpayer*
 16 *in the exchange is disposed of on or before De-*
 17 *cember 31 2017, or*

18 (B) *the property received by the taxpayer in*
 19 *the exchange is received on or before December*
 20 *31, 2017.*

21 **SEC. 13304. LIMITATION ON DEDUCTION BY EMPLOYERS OF**
 22 **EXPENSES FOR FRINGE BENEFITS.**

23 (a) *NO DEDUCTION ALLOWED FOR ENTERTAINMENT*
 24 *EXPENSES.—*

25 (1) *IN GENERAL.—Section 274(a) is amended—*

1 (A) in paragraph (1)(A), by striking “un-
2 less” and all that follows through “trade or busi-
3 ness,”

4 (B) by striking the flush sentence at the end
5 of paragraph (1), and

6 (C) by striking paragraph (2)(C).

7 (2) CONFORMING AMENDMENTS.—

8 (A) Section 274(d) is amended—

9 (i) by striking paragraph (2) and re-
10 designating paragraphs (3) and (4) as
11 paragraphs (2) and (3), respectively, and

12 (ii) in the flush text following para-
13 graph (3) (as so redesignated)—

14 (I) by striking “, entertainment,
15 amusement, recreation, or use of the fa-
16 cility or property,” in item (B), and

17 (II) by striking “(D) the business
18 relationship to the taxpayer of persons
19 entertained, using the facility or prop-
20 erty, or receiving the gift” and insert-
21 ing “(D) the business relationship to
22 the taxpayer of the person receiving the
23 benefit”,

24 (B) Section 274 is amended by striking sub-
25 section (l).

1 (C) Section 274(n) is amended by striking
2 “AND ENTERTAINMENT” in the heading.

3 (D) Section 274(n)(1) is amended to read
4 as follows:

5 “(1) IN GENERAL.—The amount allowable as a
6 deduction under this chapter for any expense for food
7 or beverages shall not exceed 50 percent of the amount
8 of such expense which would (but for this paragraph)
9 be allowable as a deduction under this chapter.”.

10 (E) Section 274(n)(2) is amended—

11 (i) in subparagraph (B), by striking
12 “in the case of an expense for food or bev-
13 erages,”

14 (ii) by striking subparagraph (C) and
15 redesignating subparagraphs (D) and (E)
16 as subparagraphs (C) and (D), respectively,

17 (iii) by striking “of subparagraph (E)”
18 the last sentence and inserting “of subpara-
19 graph (D)”, and

20 (iv) by striking “in subparagraph (D)”
21 in the last sentence and inserting “in sub-
22 paragraph (C)”.

23 (F) Clause (iv) of section 7701(b)(5)(A) is
24 amended to read as follows:

1 “(iv) a professional athlete who is tem-
2 porarily in the United States to compete in
3 a sports event—

4 “(I) which is organized for the
5 primary purpose of benefiting an orga-
6 nization which is described in section
7 501(c)(3) and exempt from tax under
8 section 501(a),

9 “(II) all of the net proceeds of
10 which are contributed to such organi-
11 zation, and,

12 “(III) which utilizes volunteers for
13 substantially all of the work performed
14 in carrying out such event.”.

15 (b) *ONLY 50 PERCENT OF EXPENSES FOR MEALS PRO-*
16 *VIDED ON OR NEAR BUSINESS PREMISES ALLOWED AS DE-*
17 *DUCTION.—Paragraph (2) of section 274(n), as amended by*
18 *subsection (a), is amended—*

19 (1) *by striking subparagraph (B),*

20 (2) *by redesignating subparagraphs (C) and (D)*
21 *as subparagraphs (B) and (C), respectively,*

22 (3) *by striking “of subparagraph (D)” in the last*
23 *sentence and inserting “of subparagraph (C)”, and*

24 (4) *by striking “in subparagraph (C)” in the*
25 *last sentence and inserting “in subparagraph (B)”.*

1 (c) *TREATMENT OF TRANSPORTATION BENEFITS.*—

2 Section 274, as amended by subsection (a), is amended—

3 (1) in subsection (a)—

4 (A) in the heading, by striking “OR RECRE-
5 ATION” and inserting “RECREATION, OR QUALI-
6 FIED TRANSPORTATION FRINGES”, and

7 (B) by adding at the end the following new
8 paragraph:

9 “(4) *QUALIFIED TRANSPORTATION FRINGES.*—No
10 deduction shall be allowed under this chapter for the
11 expense of any qualified transportation fringe (as de-
12 fined in section 132(f)) provided to an employee of the
13 taxpayer.”, and

14 (2) by inserting after subsection (k) the following
15 new subsection:

16 “(l) *TRANSPORTATION AND COMMUTING BENEFITS.*—
17 No deduction shall be allowed under this chapter for any
18 expense incurred for providing any transportation, or any
19 payment or reimbursement, to an employee of the taxpayer
20 in connection with travel between the employee’s residence
21 and place of employment, except as necessary for ensuring
22 the safety of the employee.”.

23 (d) *ELIMINATION OF DEDUCTION FOR MEALS PRO-*
24 *VIDED AT CONVENIENCE OF EMPLOYER.*—Section 274, as
25 amended by subsection (c), is amended—

1 (1) *by redesignating subsection (o) as subsection*
2 *(p), and*

3 (2) *by inserting after subsection (n) the following*
4 *new subsection:*

5 “(o) *MEALS PROVIDED AT CONVENIENCE OF EM-*
6 *PLOYER.—No deduction shall be allowed under this chapter*
7 *for—*

8 “(1) *any expense for the operation of a facility*
9 *described in section 132(e)(2), and any expense for*
10 *food or beverages, including under section 132(e)(1),*
11 *associated with such facility, or*

12 “(2) *any expense for meals described in section*
13 *119(a).”.*

14 (i) *EFFECTIVE DATE.—*

15 (1) *IN GENERAL.—Except as provided in para-*
16 *graph (2), the amendments made by this section shall*
17 *apply to amounts incurred or paid after December*
18 *31, 2017.*

19 (2) *EFFECTIVE DATE FOR ELIMINATION OF DE-*
20 *DUCTION FOR MEALS PROVIDED AT CONVENIENCE OF*
21 *EMPLOYER.—The amendments made by subsection (d)*
22 *shall apply to amounts incurred or paid after Decem-*
23 *ber 31, 2025.*

1 **SEC. 13305. REPEAL OF DEDUCTION FOR INCOME ATTRIB-**
2 **UTABLE TO DOMESTIC PRODUCTION ACTIVI-**
3 **TIES.**

4 (a) *REPEAL.*—

5 (1) *TAXPAYERS OTHER THAN CORPORATIONS.*—

6 *Section 199 is amended by adding at the end the fol-*
7 *lowing new subsection:*

8 “(e) *PARTIAL TERMINATION FOR TAXPAYERS OTHER*
9 *THAN CORPORATIONS.*—*In the case of a taxpayer other*
10 *than a C corporation, this section shall not apply to any*
11 *taxable year beginning after December 31, 2017.”.*

12 (2) *CERTAIN SPECIAL RULES FOR COOPERA-*
13 *TIVES.*—*Section 199(d)(3) is amended by adding at*
14 *the end the following new subparagraph:*

15 “(G) *PARTIAL TERMINATION.*—*Subpara-*
16 *graphs (A) and (B) shall not apply to any tax-*
17 *able year beginning after December 31, 2017.”.*

18 (3) *TOTAL REPEAL.*—*Part VI of subchapter B of*
19 *chapter 1, as amended by paragraphs (1) and (2), is*
20 *amended by striking section 199 (and by striking the*
21 *item relating to such section in the table of sections*
22 *for such part).*

23 (b) *CONFORMING AMENDMENTS.*—

24 (1) *Sections 74(d)(2)(B), 86(b)(2)(A),*
25 *135(c)(4)(A), 137(b)(3)(A), 219(g)(3)(A)(ii),*
26 *221(b)(2)(C), 222(b)(2)(C), 246(b)(1), and*

1 469(i)(3)(F)(iii) are each amended by striking
2 “199.”

3 (2) Section 170(b)(2)(D), as amended by section
4 11011, is amended by striking clause (iv) and by re-
5 designating clauses (v) and (vi) as redesignating
6 clauses (iv) as clause (v), respectively.

7 (3) Section 172(d) is amended by striking para-
8 graph (7).

9 (4) Section 613(a) is amended by striking “and
10 without the deduction under section 199”.

11 (5) Section 613A(d)(1) is amended by striking
12 subparagraph (B) and by redesignating subpara-
13 graphs (C), (D), and (E) as subparagraphs (B), (C),
14 and (D).

15 (c) *EFFECTIVE DATE.*—

16 (1) *IN GENERAL.*—*Except as provided in para-*
17 *graph (2), the amendments made by this section shall*
18 *apply to taxable years beginning after December 31,*
19 *2018.*

20 (2) *EARLIER TERMINATION FOR CERTAIN TAX-*
21 *PAYERS.*—*The amendment made by paragraphs (1)*
22 *and (2) of subsection (a) shall apply to taxable years*
23 *beginning after December 31, 2017.*

1 **SEC. 13306. DENIAL OF DEDUCTION FOR CERTAIN FINES,**
2 **PENALTIES, AND OTHER AMOUNTS.**

3 (a) *DENIAL OF DEDUCTION.*—

4 (1) *IN GENERAL.*—*Subsection (f) of section 162*
5 *is amended to read as follows:*

6 “(f) *FINES, PENALTIES, AND OTHER AMOUNTS.*—

7 “(1) *IN GENERAL.*—*Except as provided in the*
8 *following paragraphs of this subsection, no deduction*
9 *otherwise allowable shall be allowed under this chap-*
10 *ter for any amount paid or incurred (whether by suit,*
11 *agreement, or otherwise) to, or at the direction of, a*
12 *government or governmental entity in relation to the*
13 *violation of any law or the investigation or inquiry*
14 *by such government or entity into the potential viola-*
15 *tion of any law.*

16 “(2) *EXCEPTION FOR AMOUNTS CONSTITUTING*
17 *RESTITUTION OR PAID TO COME INTO COMPLIANCE*
18 *WITH LAW.*—

19 “(A) *IN GENERAL.*—*Paragraph (1) shall*
20 *not apply to any amount that—*

21 “(i) *the taxpayer establishes—*

22 “(I) *constitutes restitution (in-*
23 *cluding remediation of property) for*
24 *damage or harm which was or may be*
25 *caused by the violation of any law or*
26 *the potential violation of any law, or*

1 “(II) is paid to come into compli-
2 ance with any law which was violated
3 or otherwise involved in the investiga-
4 tion or inquiry described in paragraph
5 (1),

6 “(ii) is identified as restitution or as
7 an amount paid to come into compliance
8 with such law, as the case may be, in the
9 court order or settlement agreement, and

10 “(iii) in the case of any amount of res-
11 titution for failure to pay any tax imposed
12 under this title in the same manner as if
13 such amount were such tax, would have
14 been allowed as a deduction under this
15 chapter if it had been timely paid.

16 The identification under clause (ii) alone shall
17 not be sufficient to make the establishment re-
18 quired under clause (i).

19 “(B) LIMITATION.—Subparagraph (A) shall
20 not apply to any amount paid or incurred as re-
21 imbursement to the government or entity for the
22 costs of any investigation or litigation.

23 “(3) EXCEPTION FOR AMOUNTS PAID OR IN-
24 CURRED AS THE RESULT OF CERTAIN COURT OR-
25 DERS.—Paragraph (1) shall not apply to any

1 amount paid or incurred by reason of any order of
2 a court in a suit in which no government or govern-
3 mental entity is a party.

4 “(4) *EXCEPTION FOR TAXES DUE.*—Paragraph
5 (1) shall not apply to any amount paid or incurred
6 as taxes due.

7 “(5) *TREATMENT OF CERTAIN NONGOVERN-*
8 *MENTAL REGULATORY ENTITIES.*—For purposes of
9 this subsection, the following nongovernmental entities
10 shall be treated as governmental entities:

11 “(A) Any nongovernmental entity which ex-
12 ercises self-regulatory powers (including impos-
13 ing sanctions) in connection with a qualified
14 board or exchange (as defined in section
15 1256(g)(7)).

16 “(B) To the extent provided in regulations,
17 any nongovernmental entity which exercises self-
18 regulatory powers (including imposing sanc-
19 tions) as part of performing an essential govern-
20 mental function.”.

21 (2) *EFFECTIVE DATE.*—The amendment made by
22 this subsection shall apply to amounts paid or in-
23 curred on or after the date of the enactment of this
24 Act, except that such amendments shall not apply to
25 amounts paid or incurred under any binding order or

1 *agreement entered into before such date. Such excep-*
2 *tion shall not apply to an order or agreement requir-*
3 *ing court approval unless the approval was obtained*
4 *before such date.*

5 *(b) REPORTING OF DEDUCTIBLE AMOUNTS.—*

6 *(1) IN GENERAL.—Subpart B of part III of sub-*
7 *chapter A of chapter 61 is amended by inserting after*
8 *section 6050W the following new section:*

9 **“SEC. 6050X. INFORMATION WITH RESPECT TO CERTAIN**
10 **FINES, PENALTIES, AND OTHER AMOUNTS.**

11 *“(a) REQUIREMENT OF REPORTING.—*

12 *“(1) IN GENERAL.—The appropriate official of*
13 *any government or any entity described in section*
14 *162(f)(5) which is involved in a suit or agreement de-*
15 *scribed in paragraph (2) shall make a return in such*
16 *form as determined by the Secretary setting forth—*

17 *“(A) the amount required to be paid as a*
18 *result of the suit or agreement to which para-*
19 *graph (1) of section 162(f) applies,*

20 *“(B) any amount required to be paid as a*
21 *result of the suit or agreement which constitutes*
22 *restitution or remediation of property, and*

23 *“(C) any amount required to be paid as a*
24 *result of the suit or agreement for the purpose of*
25 *coming into compliance with any law which was*

1 *violated or involved in the investigation or in-*
2 *quiry.*

3 *“(2) SUIT OR AGREEMENT DESCRIBED.—*

4 *“(A) IN GENERAL.—A suit or agreement is*
5 *described in this paragraph if—*

6 *“(i) it is—*

7 *“(I) a suit with respect to a viola-*
8 *tion of any law over which the govern-*
9 *ment or entity has authority and with*
10 *respect to which there has been a court*
11 *order, or*

12 *“(II) an agreement which is en-*
13 *tered into with respect to a violation of*
14 *any law over which the government or*
15 *entity has authority, or with respect to*
16 *an investigation or inquiry by the gov-*
17 *ernment or entity into the potential*
18 *violation of any law over which such*
19 *government or entity has authority,*
20 *and*

21 *“(ii) the aggregate amount involved in*
22 *all court orders and agreements with respect*
23 *to the violation, investigation, or inquiry is*
24 *\$600 or more.*

1 “(B) *ADJUSTMENT OF REPORTING THRESH-*
2 *OLD.—The Secretary shall adjust the \$600*
3 *amount in subparagraph (A)(ii) as necessary in*
4 *order to ensure the efficient administration of the*
5 *internal revenue laws.*

6 “(3) *TIME OF FILING.—The return required*
7 *under this subsection shall be filed at the time the*
8 *agreement is entered into, as determined by the Sec-*
9 *retary.*

10 “(b) *STATEMENTS TO BE FURNISHED TO INDIVIDUALS*
11 *INVOLVED IN THE SETTLEMENT.—Every person required to*
12 *make a return under subsection (a) shall furnish to each*
13 *person who is a party to the suit or agreement a written*
14 *statement showing—*

15 “(1) *the name of the government or entity, and*

16 “(2) *the information supplied to the Secretary*
17 *under subsection (a)(1).*

18 *The written statement required under the preceding sen-*
19 *tence shall be furnished to the person at the same time the*
20 *government or entity provides the Secretary with the infor-*
21 *mation required under subsection (a).*

22 “(c) *APPROPRIATE OFFICIAL DEFINED.—For purposes*
23 *of this section, the term ‘appropriate official’ means the offi-*
24 *cer or employee having control of the suit, investigation,*

1 *or inquiry or the person appropriately designated for pur-*
2 *poses of this section.”.*

3 (2) *CONFORMING AMENDMENT.*—*The table of sec-*
4 *tions for subpart B of part III of subchapter A of*
5 *chapter 61 is amended by inserting after the item re-*
6 *lating to section 6050W the following new item:*

“Sec. 6050X. Information with respect to certain fines, penalties, and other amounts.”.

7 (3) *EFFECTIVE DATE.*—*The amendments made*
8 *by this subsection shall apply to amounts paid or in-*
9 *curring on or after the date of the enactment of this*
10 *Act, except that such amendments shall not apply to*
11 *amounts paid or incurred under any binding order or*
12 *agreement entered into before such date. Such excep-*
13 *tion shall not apply to an order or agreement requir-*
14 *ing court approval unless the approval was obtained*
15 *before such date.*

16 **SEC. 13307. DENIAL OF DEDUCTION FOR SETTLEMENTS**
17 **SUBJECT TO NONDISCLOSURE AGREEMENTS**
18 **PAID IN CONNECTION WITH SEXUAL HARASS-**
19 **MENT OR SEXUAL ABUSE.**

20 (a) *DENIAL OF DEDUCTION.*—*Section 162 is amended*
21 *by redesignating subsection (q) as subsection (r) and by in-*
22 *serting after subsection (p) the following new subsection:*

1 “(q) *PAYMENTS RELATED TO SEXUAL HARASSMENT*
2 *AND SEXUAL ABUSE.*—No deduction shall be allowed under
3 *this chapter for—*

4 “(1) *any settlement or payment related to sexual*
5 *harassment or sexual abuse if such settlement or pay-*
6 *ment is subject to a nondisclosure agreement, or*

7 “(2) *attorney’s fees related to such a settlement*
8 *or payment.*”.

9 (b) *EFFECTIVE DATE.*—*The amendments made by this*
10 *section shall apply to amounts paid or incurred after the*
11 *date of the enactment of this Act.*

12 **SEC. 13308. REPEAL OF DEDUCTION FOR LOCAL LOBBYING**
13 **EXPENSES.**

14 (a) *IN GENERAL.*—*Section 162(e) is amended by strik-*
15 *ing paragraphs (2) and (7) and by redesignating para-*
16 *graphs (3), (4), (5), (6), and (8) as paragraphs (2), (3),*
17 *(4), (5), and (6), respectively.*

18 (b) *CONFORMING AMENDMENT.*—*Section*
19 *6033(e)(1)(B)(ii) is amended by striking “section*
20 *162(e)(5)(B)(ii)” and inserting “section 162(e)(4)(B)(ii)”.*

21 (c) *EFFECTIVE DATE.*—*The amendments made by this*
22 *section shall apply to amounts paid or incurred on or after*
23 *the date of the enactment of this Act.*

1 **SEC. 13309. RECHARACTERIZATION OF CERTAIN GAINS IN**
2 **THE CASE OF PARTNERSHIP PROFITS INTER-**
3 **ESTS HELD IN CONNECTION WITH PERFORM-**
4 **ANCE OF INVESTMENT SERVICES.**

5 (a) *IN GENERAL.*—Part IV of subchapter O of chapter
6 1 is amended—

7 (1) *by redesignating section 1061 as section*
8 *1062, and*

9 (2) *by inserting after section 1060 the following*
10 *new section:*

11 **“SEC. 1061. PARTNERSHIP INTERESTS HELD IN CONNEC-**
12 **TION WITH PERFORMANCE OF SERVICES.**

13 *“(a) IN GENERAL.—If one or more applicable partner-*
14 *ship interests are held by a taxpayer at any time during*
15 *the taxable year, the excess (if any) of—*

16 *“(1) the taxpayer’s net long-term capital gain*
17 *with respect to such interests for such taxable year,*
18 *over*

19 *“(2) the taxpayer’s net long-term capital gain*
20 *with respect to such interests for such taxable year*
21 *computed by applying paragraphs (3) and (4) of sec-*
22 *tions 1222 by substituting ‘3 years’ for ‘1 year’,*
23 *shall be treated as short-term capital gain, notwithstanding*
24 *section 83 or any election in effect under section 83(b).*

25 *“(b) SPECIAL RULE.—To the extent provided by the*
26 *Secretary, subsection (a) shall not apply to income or gain*

1 *attributable to any asset not held for portfolio investment*
2 *on behalf of third party investors.*

3 “(c) *APPLICABLE PARTNERSHIP INTEREST.—For pur-*
4 *poses of this section—*

5 “(1) *IN GENERAL.—Except as provided in this*
6 *paragraph or paragraph (4), the term ‘applicable*
7 *partnership interest’ means any interest in a partner-*
8 *ship which, directly or indirectly, is transferred to (or*
9 *is held by) the taxpayer in connection with the per-*
10 *formance of substantial services by the taxpayer, or*
11 *any other related person, in any applicable trade or*
12 *business. The previous sentence shall not apply to an*
13 *interest held by a person who is employed by another*
14 *entity that is conducting a trade or business (other*
15 *than an applicable trade or business) and only pro-*
16 *vides services to such other entity.*

17 “(2) *APPLICABLE TRADE OR BUSINESS.—The*
18 *term ‘applicable trade or business’ means any activ-*
19 *ity conducted on a regular, continuous, and substan-*
20 *tial basis which, regardless of whether the activity is*
21 *conducted in one or more entities, consists, in whole*
22 *or in part, of—*

23 “(A) *raising or returning capital, and*

24 “(B) *either—*

1 “(i) investing in (or disposing of) spec-
2 ified assets (or identifying specified assets
3 for such investing or disposition), or

4 “(ii) developing specified assets.

5 “(3) SPECIFIED ASSET.—The term ‘specified
6 asset’ means securities (as defined in section 475(c)(2)
7 without regard to the last sentence thereof), commod-
8 ities (as defined in section 475(e)(2)), real estate held
9 for rental or investment, cash or cash equivalents, op-
10 tions or derivative contracts with respect to any of the
11 foregoing, and an interest in a partnership to the ex-
12 tent of the partnership’s proportionate interest in any
13 of the foregoing.

14 “(4) EXCEPTIONS.—The term ‘applicable part-
15 nership interest’ shall not include—

16 “(A) any interest in a partnership directly
17 or indirectly held by a corporation, or

18 “(B) any capital interest in the partnership
19 which provides the taxpayer with a right to
20 share in partnership capital commensurate
21 with—

22 “(i) the amount of capital contributed
23 (determined at the time of receipt of such
24 partnership interest), or

1 “(ii) the value of such interest subject
2 to tax under section 83 upon the receipt or
3 vesting of such interest.

4 “(5) *THIRD PARTY INVESTOR.*—The term ‘third
5 party investor’ means a person who—

6 “(A) holds an interest in the partnership
7 which does not constitute property held in con-
8 nection with an applicable trade or business;
9 and

10 “(B) is not (and has not been) actively en-
11 gaged, and is (and was) not related to a person
12 so engaged, in (directly or indirectly) providing
13 substantial services described in paragraph (1)
14 for such partnership or any applicable trade or
15 business.

16 “(d) *TRANSFER OF APPLICABLE PARTNERSHIP INTER-*
17 *EST TO RELATED PERSON.*—

18 “(1) *IN GENERAL.*—If a taxpayer transfers any
19 applicable partnership interest, directly or indirectly,
20 to a person related to the taxpayer, the taxpayer shall
21 include in gross income (as short term capital gain)
22 the excess (if any) of—

23 “(A) so much of the taxpayer’s long-term
24 capital gains with respect to such interest for
25 such taxable year attributable to the sale or ex-

1 *change of any asset held for not more than 3*
2 *years as is allocable to such interest, over*

3 *“(B) any amount treated as short term cap-*
4 *ital gain under subsection (a) with respect to the*
5 *transfer of such interest.*

6 *“(2) RELATED PERSON.—For purposes of this*
7 *paragraph, a person is related to the taxpayer if—*

8 *“(A) the person is a member of the tax-*
9 *payer’s family within the meaning of section*
10 *318(a)(1), or*

11 *“(B) the person performed a service within*
12 *the current calendar year or the preceding three*
13 *calendar years in any applicable trade or busi-*
14 *ness in which or for which the taxpayer per-*
15 *formed a service.*

16 *“(e) REPORTING.—The Secretary shall require such re-*
17 *porting (at the time and in the manner prescribed by the*
18 *Secretary) as is necessary to carry out the purposes of this*
19 *section.*

20 *“(f) REGULATIONS.—The Secretary shall issue such*
21 *regulations or other guidance as is necessary or appropriate*
22 *to carry out the purposes of this section”.*

23 *(b) CLERICAL AMENDMENT.—The table of sections for*
24 *part IV of subchapter O of chapter 1 is amended by striking*

1 *the item relating to 1061 and inserting the following new*
 2 *items:*

“Sec. 1061. Partnership interests held in connection with performance of services.
“Sec. 1062. Cross references.”.

3 *(c) EFFECTIVE DATE.—The amendments made by this*
 4 *section shall apply to taxable years beginning after Decem-*
 5 *ber 31, 2017.*

6 **SEC. 13310. PROHIBITION ON CASH, GIFT CARDS, AND**
 7 **OTHER NON-TANGIBLE PERSONAL PROPERTY**
 8 **AS EMPLOYEE ACHIEVEMENT AWARDS.**

9 *(a) IN GENERAL.—Subparagraph (A) of section*
 10 *274(j)(3) is amended—*

11 *(1) by striking “The term” and inserting the fol-*
 12 *lowing:*

13 *“(i) IN GENERAL.—The term”.*

14 *(2) by redesignating clauses (i), (ii), and (iii) as*
 15 *subclauses (I), (II), and (III), respectively, and con-*
 16 *forming the margins accordingly, and*

17 *(3) by adding at the end the following new*
 18 *clause:*

19 *“(ii) TANGIBLE PERSONAL PROP-*
 20 *ERTY.—For purposes of clause (i), the term*
 21 *‘tangible personal property’ shall not in-*
 22 *clude—*

23 *“(I) cash, cash equivalents, gift*
 24 *cards, gift coupons, or gift certificates*

1 *(other than arrangements conferring*
2 *only the right to select and receive tan-*
3 *gible personal property from a limited*
4 *array of such items pre-selected or pre-*
5 *approved by the employer), or*

6 *“(II) vacations, meals, lodging,*
7 *tickets to theater or sporting events,*
8 *stocks, bonds, other securities, and*
9 *other similar items.”.*

10 ***(b) EFFECTIVE DATE.***—*The amendments made by this*
11 *section shall apply to amounts paid or incurred after De-*
12 *cember 31, 2017.*

13 **SEC. 13311. FLOOR PLAN FINANCING.**

14 ***(a) APPLICATION OF INTEREST LIMITATION.***—

15 ***(1) IN GENERAL.***—*Section 163(j), as amended by*
16 *section 13301, is amended—*

17 ***(A)*** *in paragraph (1), by striking “plus” at*
18 *the end of subparagraph (A), by striking the pe-*
19 *riod at the end of subparagraph (B) and insert-*
20 *ing “, plus”, and by inserting after subpara-*
21 *graph (B) the following new subparagraph:*

22 ***“(C)*** *the floor plan financing interest of*
23 *such taxpayer for such taxable year.”, and*

1 (B) in paragraph (4)(C)(i)(II), by inserting
2 “, reduced by the floor plan financing interest,”
3 after “business interest of the partnership”, and

4 (C) by redesignating paragraph (9) as
5 paragraph (10) and inserting after paragraph
6 (8) the following new paragraph:

7 “(9) *FLOOR PLAN FINANCING INTEREST DE-*
8 *FINED.*—For purposes of this subsection—

9 “(A) *IN GENERAL.*—The term ‘floor plan fi-
10 nancing interest’ means interest paid or accrued
11 on floor plan financing indebtedness.

12 “(B) *FLOOR PLAN FINANCING INDEBTED-*
13 *NESS.*—The term ‘floor plan financing indebted-
14 *ness’ means indebtedness—*

15 “(i) used to finance the acquisition of
16 motor vehicles held for sale or lease, and

17 “(ii) secured by the inventory so ac-
18 quired.

19 “(C) *MOTOR VEHICLE.*—The term ‘motor
20 vehicle’ means a motor vehicle that is any of the
21 following:

22 “(i) An automobile.

23 “(ii) A truck.

24 “(iii) A recreational vehicle.

25 “(iv) A motorcycle.

1 “(v) Any self-propelled vehicle designed
2 for transporting persons or property on a
3 public street, highway, or road.

4 “(vi) A boat.

5 “(vii) Farm machinery or equip-
6 ment.”.

7 (2) *EFFECTIVE DATE.*—The amendments made
8 by this subsection shall apply to taxable years begin-
9 ning after December 31, 2017.

10 (b) *EXCEPTION FROM 100 PERCENT EXPENSING.*—

11 (1) *IN GENERAL.*—Paragraph (6) of section
12 168(k), as added by section 13201(a)(4), is amend-
13 ed—

14 (A) by striking “shall not include any prop-
15 erty” and inserting “shall not include—

16 “(A) any property”, and

17 (B) by adding at the end the following new
18 subparagraph:

19 “(B) any property used in a trade or busi-
20 ness that has had floor plan financing indebted-
21 ness (as defined in paragraph (9) of section
22 163(j)), if the floor plan financing interest re-
23 lated to such indebtedness was taken into ac-
24 count under paragraph (1)(C) of such section.”.

1 (2) *EFFECTIVE DATE.*—*The amendments made*
2 *by this subsection shall apply to property placed in*
3 *service after September 27, 2017, in taxable years*
4 *ending after such date.*

5 **SEC. 13312. ELIMINATION OF DEDUCTION FOR LIVING EX-**
6 **PENSES INCURRED BY MEMBERS OF CON-**
7 **GRESS.**

8 (a) *IN GENERAL.*—*Subsection (a) of section 162 is*
9 *amended in the matter following paragraph (3) by striking*
10 *“in excess of \$3,000”.*

11 (b) *EFFECTIVE DATE.*—*The amendment made by this*
12 *section shall apply to taxable years beginning after the date*
13 *of the enactment of this Act.*

14 **PART V—BUSINESS CREDITS**

15 **Subpart A—General Provisions**

16 **SEC. 13401. MODIFICATION OF ORPHAN DRUG CREDIT.**

17 (a) *CREDIT RATE.*—*Subsection (a) of section 45C is*
18 *amended by striking “50 percent” and inserting “27.5 per-*
19 *cent”.*

20 (b) *ELECTION OF REDUCED CREDIT.*—*Subsection (b)*
21 *of section 280C is amended by redesignating paragraph (3)*
22 *as paragraph (4) and by inserting after paragraph (2) the*
23 *following new paragraph:*

24 *“(3) ELECTION OF REDUCED CREDIT.—*

1 “(A) *IN GENERAL.*—*In the case of any tax-*
2 *able year for which an election is made under*
3 *this paragraph—*

4 “(i) *paragraphs (1) and (2) shall not*
5 *apply, and*

6 “(ii) *the amount of the credit under*
7 *section 45C(a) shall be the amount deter-*
8 *mined under subparagraph (B).*

9 “(B) *AMOUNT OF REDUCED CREDIT.*—*The*
10 *amount of credit determined under this subpara-*
11 *graph for any taxable year shall be the amount*
12 *equal to the excess of—*

13 “(i) *the amount of credit determined*
14 *under section 45C(a) without regard to this*
15 *paragraph, over*

16 “(ii) *the product of—*

17 “(I) *the amount described in*
18 *clause (i), and*

19 “(II) *the maximum rate of tax*
20 *under section 11(b).*

21 “(C) *ELECTION.*—*An election under this*
22 *paragraph for any taxable year shall be made*
23 *not later than the time for filing the return of*
24 *tax for such year (including extensions), shall be*
25 *made on such return, and shall be made in such*

1 *manner as the Secretary shall prescribe. Such an*
2 *election, once made, shall be irrevocable.”.*

3 (c) *EFFECTIVE DATE.*—*The amendments made by this*
4 *section shall apply to taxable years beginning after Decem-*
5 *ber 31, 2017.*

6 **SEC. 13402. REHABILITATION CREDIT LIMITED TO CER-**
7 **TIFIED HISTORIC STRUCTURES.**

8 (a) *IN GENERAL.*—*Subsection (a) of section 47 is*
9 *amended to read as follows:*

10 “(a) *GENERAL RULE.*—

11 “(1) *IN GENERAL.*—*For purposes of section 46,*
12 *for any taxable year during the 5-year period begin-*
13 *ning in the taxable year in which a qualified reha-*
14 *ilitated building is placed in service, the rehabilita-*
15 *tion credit for such year is an amount equal to the*
16 *ratable share for such year.*

17 “(2) *RATABLE SHARE.*—*For purposes of para-*
18 *graph (1), the ratable share for any taxable year dur-*
19 *ing the period described in such paragraph is the*
20 *amount equal to 20 percent of the qualified rehabili-*
21 *tation expenditures with respect to the qualified reha-*
22 *ilitated building, as allocated ratably to each year*
23 *during such period.”.*

24 (b) *CONFORMING AMENDMENTS.*—

25 (1) *Section 47(c) is amended—*

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by amending
3 clause (iii) to read as follows:

4 “(iii) such building is a certified his-
5 toric structure, and”,

6 (ii) by striking subparagraph (B), and

7 (iii) by redesignating subparagraphs
8 (C) and (D) as subparagraphs (B) and (C),
9 respectively, and

10 (B) in paragraph (2)(B), by amending
11 clause (iv) to read as follows:

12 “(iv) CERTIFIED HISTORIC STRUC-
13 TURE.—Any expenditure attributable to the
14 rehabilitation of a qualified rehabilitated
15 building unless the rehabilitation is a cer-
16 tified rehabilitation (within the meaning of
17 subparagraph (C)).”.

18 (2) Paragraph (4) of section 145(d) is amend-
19 ed—

20 (A) by striking “of section 47(c)(1)(C)” each
21 place it appears and inserting “of section
22 47(c)(1)(B)”, and

23 (B) by striking “section 47(c)(1)(C)(i)” and
24 inserting “section 47(c)(1)(B)(i)”.

25 (c) EFFECTIVE DATE.—

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), the amendments made by this section shall*
3 *apply to amounts paid or incurred after December*
4 *31, 2017.*

5 (2) *TRANSITION RULE.*—*In the case of qualified*
6 *rehabilitation expenditures with respect to any build-*
7 *ing—*

8 (A) *owned or leased by the taxpayer during*
9 *the entirety of the period after December 31,*
10 *2017, and*

11 (B) *with respect to which the 24-month pe-*
12 *riod selected by the taxpayer under section*
13 *47(c)(1)(B) of the Internal Revenue Code of 1986*
14 *(as amended by subsection (b)) begins not later*
15 *than 180 days after the date of the enactment of*
16 *this Act,*

17 *the amendments made by this section shall apply to*
18 *such expenditures paid or incurred after the end of*
19 *the taxable year in which the 24-month period re-*
20 *ferred to in subparagraph (B) ends.*

21 **SEC. 13403. EMPLOYER CREDIT FOR PAID FAMILY AND MED-**

22 **ICAL LEAVE.**

23 (a) *IN GENERAL.*—

1 (1) *ALLOWANCE OF CREDIT.*—Subpart D of part
2 IV of subchapter A of chapter 1 is amended by adding
3 at the end the following new section:

4 **“SEC. 45S. EMPLOYER CREDIT FOR PAID FAMILY AND MED-**
5 **ICAL LEAVE.**

6 “(a) *ESTABLISHMENT OF CREDIT.*—

7 “(1) *IN GENERAL.*—For purposes of section 38,
8 in the case of an eligible employer, the paid family
9 and medical leave credit is an amount equal to the
10 applicable percentage of the amount of wages paid to
11 qualifying employees during any period in which
12 such employees are on family and medical leave.

13 “(2) *APPLICABLE PERCENTAGE.*—For purposes
14 of paragraph (1), the term ‘applicable percentage’
15 means 12.5 percent increased (but not above 25 per-
16 cent) by 0.25 percentage points for each percentage
17 point by which the rate of payment (as described
18 under subsection (c)(1)(B)) exceeds 50 percent.

19 “(b) *LIMITATION.*—

20 “(1) *IN GENERAL.*—The credit allowed under
21 subsection (a) with respect to any employee for any
22 taxable year shall not exceed an amount equal to the
23 product of the normal hourly wage rate of such em-
24 ployee for each hour (or fraction thereof) of actual
25 services performed for the employer and the number

1 of hours (or fraction thereof) for which family and
2 medical leave is taken.

3 “(2) *NON-HOURLY WAGE RATE.*—For purposes of
4 paragraph (1), in the case of any employee who is not
5 paid on an hourly wage rate, the wages of such em-
6 ployee shall be prorated to an hourly wage rate under
7 regulations established by the Secretary.

8 “(3) *MAXIMUM AMOUNT OF LEAVE SUBJECT TO*
9 *CREDIT.*—The amount of family and medical leave
10 that may be taken into account with respect to any
11 employee under subsection (a) for any taxable year
12 shall not exceed 12 weeks.

13 “(c) *ELIGIBLE EMPLOYER.*—For purposes of this sec-
14 tion—

15 “(1) *IN GENERAL.*—The term ‘eligible employer’
16 means any employer who has in place a policy that
17 meets the following requirements:

18 “(A) The policy provides—

19 “(i) in the case of a qualifying em-
20 ployee who is not a part-time employee (as
21 defined in section 4980E(d)(4)(B)), not less
22 than 2 weeks of annual paid family and
23 medical leave, and

24 “(ii) in the case of a qualifying em-
25 ployee who is a part-time employee, an

1 *amount of annual paid family and medical*
2 *leave that is not less than an amount which*
3 *bears the same ratio to the amount of an-*
4 *annual paid family and medical leave that is*
5 *provided to a qualifying employee described*
6 *in clause (i) as—*

7 “(I) *the number of hours the em-*
8 *ployee is expected to work during any*
9 *week, bears to*

10 “(II) *the number of hours an*
11 *equivalent qualifying employee de-*
12 *scribed in clause (i) is expected to work*
13 *during the week.*

14 “(B) *The policy requires that the rate of*
15 *payment under the program is not less than 50*
16 *percent of the wages normally paid to such em-*
17 *ployee for services performed for the employer.*

18 “(2) *SPECIAL RULE FOR CERTAIN EMPLOYERS.—*

19 “(A) *IN GENERAL.—An added employer*
20 *shall not be treated as an eligible employer un-*
21 *less such employer provides paid family and*
22 *medical leave in compliance with a policy which*
23 *ensures that the employer—*

24 “(i) *will not interfere with, restrain, or*
25 *deny the exercise of or the attempt to exer-*

1 *cise, any right provided under the policy,*
2 *and*

3 “(ii) *will not discharge or in any other*
4 *manner discriminate against any indi-*
5 *vidual for opposing any practice prohibited*
6 *by the policy.*

7 “(B) *ADDED EMPLOYER; ADDED EM-*
8 *PLOYEE.—For purposes of this paragraph—*

9 “(i) *ADDED EMPLOYEE.—The term*
10 *‘added employee’ means a qualifying em-*
11 *ployee who is not covered by title I of the*
12 *Family and Medical Leave Act of 1993, as*
13 *amended.*

14 “(ii) *ADDED EMPLOYER.—The term*
15 *‘added employer’ means an eligible em-*
16 *ployer (determined without regard to this*
17 *paragraph), whether or not covered by that*
18 *title I, who offers paid family and medical*
19 *leave to added employees.*

20 “(3) *AGGREGATION RULE.—All persons which*
21 *are treated as a single employer under subsections (a)*
22 *and (b) of section 52 shall be treated as a single tax-*
23 *payer.*

24 “(4) *TREATMENT OF BENEFITS MANDATED OR*
25 *PAID FOR BY STATE OR LOCAL GOVERNMENTS.—For*

1 *purposes of this section, any leave which is paid by*
2 *a State or local government or required by State or*
3 *local law shall not be taken into account in deter-*
4 *mining the amount of paid family and medical leave*
5 *provided by the employer.*

6 *“(5) NO INFERENCE.—Nothing in this subsection*
7 *shall be construed as subjecting an employer to any*
8 *penalty, liability, or other consequence (other than in-*
9 *eligibility for the credit allowed by reason of sub-*
10 *section (a) or recapturing the benefit of such credit)*
11 *for failure to comply with the requirements of this*
12 *subsection.*

13 *“(d) QUALIFYING EMPLOYEES.—For purposes of this*
14 *section, the term ‘qualifying employee’ means any employee*
15 *(as defined in section 3(e) of the Fair Labor Standards Act*
16 *of 1938, as amended) who—*

17 *“(1) has been employed by the employer for 1*
18 *year or more, and*

19 *“(2) for the preceding year, had compensation*
20 *not in excess of an amount equal to 60 percent of the*
21 *amount applicable for such year under clause (i) of*
22 *section 414(q)(1)(B).*

23 *“(e) FAMILY AND MEDICAL LEAVE.—*

24 *“(1) IN GENERAL.—Except as provided in para-*
25 *graph (2), for purposes of this section, the term ‘fam-*

1 *ily and medical leave’ means leave for any 1 or more*
2 *of the purposes described under subparagraph (A),*
3 *(B), (C), (D), or (E) of paragraph (1), or paragraph*
4 *(3), of section 102(a) of the Family and Medical*
5 *Leave Act of 1993, as amended, whether the leave is*
6 *provided under that Act or by a policy of the em-*
7 *ployer.*

8 *“(2) EXCLUSION.—If an employer provides paid*
9 *leave as vacation leave, personal leave, or medical or*
10 *sick leave (other than leave specifically for 1 or more*
11 *of the purposes referred to in paragraph (1)), that*
12 *paid leave shall not be considered to be family and*
13 *medical leave under paragraph (1).*

14 *“(3) DEFINITIONS.—In this subsection, the terms*
15 *‘vacation leave’, ‘personal leave’, and ‘medical or sick*
16 *leave’ mean those 3 types of leave, within the meaning*
17 *of section 102(d)(2) of that Act.*

18 *“(f) DETERMINATIONS MADE BY SECRETARY OF*
19 *TREASURY.—For purposes of this section, any determina-*
20 *tion as to whether an employer or an employee satisfies the*
21 *applicable requirements for an eligible employer (as de-*
22 *scribed in subsection (c)) or qualifying employee (as de-*
23 *scribed in subsection (d)), respectively, shall be made by the*
24 *Secretary based on such information, to be provided by the*

1 *employer, as the Secretary determines to be necessary or*
2 *appropriate.*

3 “(g) *WAGES.*—*For purposes of this section, the term*
4 *‘wages’ has the meaning given such term by subsection (b)*
5 *of section 3306 (determined without regard to any dollar*
6 *limitation contained in such section). Such term shall not*
7 *include any amount taken into account for purposes of de-*
8 *termining any other credit allowed under this subpart.*

9 “(h) *ELECTION TO HAVE CREDIT NOT APPLY.*—

10 “(1) *IN GENERAL.*—*A taxpayer may elect to*
11 *have this section not apply for any taxable year.*

12 “(2) *OTHER RULES.*—*Rules similar to the rules*
13 *of paragraphs (2) and (3) of section 51(j) shall apply*
14 *for purposes of this subsection.*

15 “(i) *TERMINATION.*—*This section shall not apply to*
16 *wages paid in taxable years beginning after December 31,*
17 *2019.”.*

18 “(b) *CREDIT PART OF GENERAL BUSINESS CREDIT.*—
19 *Section 38(b) is amended by striking “plus” at the end of*
20 *paragraph (35), by striking the period at the end of para-*
21 *graph (36) and inserting “, plus”, and by adding at the*
22 *end the following new paragraph:*

23 “(37) *in the case of an eligible employer (as de-*
24 *finied in section 45S(c)), the paid family and medical*
25 *leave credit determined under section 45S(a).”.*

1 (c) *CREDIT ALLOWED AGAINST AMT.*—Subparagraph
2 (B) of section 38(c)(4) is amended by redesignating clauses
3 (ix) through (xi) as clauses (x) through (xii), respectively,
4 and by inserting after clause (viii) the following new clause:

5 “(ix) the credit determined under sec-
6 tion 45S.”.

7 (d) *CONFORMING AMENDMENTS.*—

8 (1) *DENIAL OF DOUBLE BENEFIT.*—Section
9 280C(a) is amended by inserting “45S(a),” after
10 “45P(a),”.

11 (2) *ELECTION TO HAVE CREDIT NOT APPLY.*—
12 Section 6501(m) is amended by inserting “45S(h),”
13 after “45H(g),”.

14 (3) *CLERICAL AMENDMENT.*—The table of sec-
15 tions for subpart D of part IV of subchapter A of
16 chapter 1 is amended by adding at the end the fol-
17 lowing new item:

“Sec. 45S. Employer credit for paid family and medical leave.”.

18 (e) *EFFECTIVE DATE.*—The amendments made by this
19 section shall apply to wages paid in taxable years begin-
20 ning after December 31, 2017.

1 ***Subpart B—Provisions Relating to Low-income***
2 ***Housing Credit***

3 ***SEC. 13411. TREATMENT OF VETERANS' PREFERENCE AS***
4 ***NOT VIOLATING GENERAL PUBLIC USE RE-***
5 ***QUIREMENTS.***

6 (a) *IN GENERAL.*—Subparagraph (C) of section
7 42(g)(9) is amended to read as follows:

8 “(C) who are veterans of the Armed
9 Forces.”.

10 (b) *EFFECTIVE DATE.*—The amendment made by this
11 section shall apply to buildings placed in service before, on,
12 or after the date of the enactment of this Act.

13 ***SEC. 13412. INCREASE IN CREDIT FOR CERTAIN RURAL***
14 ***HOUSING.***

15 (a) *IN GENERAL.*—Section 42(d)(5)(B) is amended by
16 adding at the end the following new clause:

17 “(vi) *CERTAIN NEW BUILDINGS IN*
18 *RURAL AREAS.*—For purposes of clause (i),
19 a building described in subsection
20 (b)(1)(B)(i) which is located in a rural area
21 (as defined in section 520 of the Housing
22 Act of 1949) shall be treated in the same
23 manner as a new building located in a dif-
24 ficult development area which is designated
25 for purposes of this subparagraph.”.

1 (b) *OFFSET.*—Section 42(d)(5)(B)(i) is amended by
2 striking “130 percent” both places it appears in subclauses
3 (I) and (II) and inserting “125 percent”.

4 (c) *EFFECTIVE DATE.*—The amendments made by this
5 section shall apply to buildings placed in service after the
6 date of the enactment of this Act.

7 **PART VI—PROVISIONS RELATED TO SPECIFIC**
8 **ENTITIES AND INDUSTRIES**

9 **Subpart A—Partnership Provisions**

10 **SEC. 13501. TREATMENT OF GAIN OR LOSS OF FOREIGN**
11 **PERSONS FROM SALE OR EXCHANGE OF IN-**
12 **TERESTS IN PARTNERSHIPS ENGAGED IN**
13 **TRADE OR BUSINESS WITHIN THE UNITED**
14 **STATES.**

15 (a) *IN GENERAL.*—Section 864(c) is amended by add-
16 ing at the end the following:

17 “(8) *GAIN OR LOSS OF FOREIGN PERSONS FROM*
18 *SALE OR EXCHANGE OF CERTAIN PARTNERSHIP IN-*
19 *TERESTS.*—

20 “(A) *IN GENERAL.*—Notwithstanding any
21 other provision of this subtitle, if a nonresident
22 alien individual or foreign corporation owns, di-
23 rectly or indirectly, an interest in a partnership
24 which is engaged in any trade or business within
25 the United States, gain or loss on the sale or ex-

1 *change of all (or any portion of) such interest*
2 *shall be treated as effectively connected with the*
3 *conduct of such trade or business to the extent*
4 *such gain or loss does not exceed the amount de-*
5 *termined under subparagraph (B).*

6 “(B) *AMOUNT TREATED AS EFFECTIVELY*
7 *CONNECTED.—The amount determined under*
8 *this subparagraph with respect to any partner-*
9 *ship interest sold or exchanged—*

10 “(i) *in the case of any gain on the sale*
11 *or exchange of the partnership interest, is—*

12 “(I) *the portion of the partner’s*
13 *distributive share of the amount of*
14 *gain which would have been effectively*
15 *connected with the conduct of a trade*
16 *or business within the United States if*
17 *the partnership had sold all of its as-*
18 *sets at their fair market value as of the*
19 *date of the sale or exchange of such in-*
20 *terest, or*

21 “(II) *zero if no gain on such*
22 *deemed sale would have been so effec-*
23 *tively connected, and*

24 “(ii) *in the case of any loss on the sale*
25 *or exchange of the partnership interest, is—*

1 “(I) the portion of the partner’s
2 distributive share of the amount of loss
3 on the deemed sale described in clause
4 (i)(I) which would have been so effec-
5 tively connected, or

6 “(II) zero if no loss on such
7 deemed sale would be have been so ef-
8 fectively connected.

9 For purposes of this subparagraph, a part-
10 ner’s distributive share of gain or loss on
11 the deemed sale shall be determined in the
12 same manner as such partner’s distributive
13 share of the non-separately stated taxable
14 income or loss of such partnership.

15 “(C) COORDINATION WITH UNITED STATES
16 REAL PROPERTY INTERESTS.—If a partnership
17 described in subparagraph (A) holds any United
18 States real property interest (as defined in sec-
19 tion 897(c)) at the time of the sale or exchange
20 of the partnership interest, then the gain or loss
21 treated as effectively connected income under
22 subparagraph (A) shall be reduced by the
23 amount so treated with respect to such United
24 States real property interest under section 897.

1 “(D) *SALE OR EXCHANGE.*—For purposes of
2 *this paragraph, an individual or corporation*
3 *shall be treated as having sold or exchanged any*
4 *interest in a partnership if, under any provision*
5 *of this subtitle, gain or loss is realized from the*
6 *sale or exchange of such interest.*

7 “(E) *SECRETARIAL AUTHORITY.*—The Sec-
8 *retary shall prescribe such regulations as the*
9 *Secretary determines appropriate for the appli-*
10 *cation of this paragraph, including regulations*
11 *which provide that, notwithstanding subpara-*
12 *graph (D), this paragraph applies in a case even*
13 *if gain or loss from a sale or exchange would not*
14 *be realized under any other provision of this sub-*
15 *title.”.*

16 (b) *WITHHOLDING REQUIREMENTS.*—Section 1446 is
17 *amended by redesignating subsection (f) as subsection (g)*
18 *and by inserting after subsection (e) the following:*

19 “(f) *SPECIAL RULES FOR WITHHOLDING ON SALES OF*
20 *PARTNERSHIP INTERESTS.*—

21 “(1) *IN GENERAL.*—Except as provided in this
22 *subsection, if any portion of the gain (if any) on any*
23 *disposition of an interest in a partnership would be*
24 *treated under section 864(c)(8) as effectively con-*
25 *nected with the conduct of a trade or business within*

1 *the United States, the transferee shall be required to*
2 *deduct and withhold a tax equal to 10 percent of the*
3 *amount realized on the disposition.*

4 “(2) *EXCEPTION IF NONFOREIGN AFFIDAVIT FUR-*
5 *NISHED.—*

6 “(A) *IN GENERAL.—No person shall be re-*
7 *quired to deduct and withhold any amount*
8 *under paragraph (1) with respect to any disposi-*
9 *tion if the transferor furnishes to the transferee*
10 *an affidavit by the transferor stating, under pen-*
11 *alty of perjury, the transferor’s United States*
12 *taxpayer identification number and that the*
13 *transferor is not a foreign person.*

14 “(B) *FALSE AFFIDAVIT.—Subparagraph (A)*
15 *shall not apply to any disposition if—*

16 “(i) *the transferee has actual knowl-*
17 *edge that the affidavit is false, or the trans-*
18 *feree receives a notice (as described in sec-*
19 *tion 1445(d)) from a transferor’s agent or*
20 *transferee’s agent that such affidavit or*
21 *statement is false, or*

22 “(ii) *the Secretary by regulations re-*
23 *quires the transferee to furnish a copy of*
24 *such affidavit or statement to the Secretary*
25 *and the transferee fails to furnish a copy of*

1 *such affidavit or statement to the Secretary*
2 *at such time and in such manner as re-*
3 *quired by such regulations.*

4 “(C) *RULES FOR AGENTS.*—*The rules of sec-*
5 *tion 1445(d) shall apply to a transferor’s agent*
6 *or transferee’s agent with respect to any affidavit*
7 *described in subparagraph (A) in the same man-*
8 *ner as such rules apply with respect to the dis-*
9 *position of a United States real property interest*
10 *under such section.*

11 “(3) *AUTHORITY OF SECRETARY TO PRESCRIBE*
12 *REDUCED AMOUNT.*—*At the request of the transferor*
13 *or transferee, the Secretary may prescribe a reduced*
14 *amount to be withheld under this section if the Sec-*
15 *retary determines that to substitute such reduced*
16 *amount will not jeopardize the collection of the tax*
17 *imposed under this title with respect to gain treated*
18 *under section 864(c)(8) as effectively connected with*
19 *the conduct of a trade or business with in the United*
20 *States.*

21 “(4) *PARTNERSHIP TO WITHHOLD AMOUNTS NOT*
22 *WITHHELD BY THE TRANSFEREE.*—*If a transferee*
23 *fails to withhold any amount required to be withheld*
24 *under paragraph (1), the partnership shall be re-*
25 *quired to deduct and withhold from distributions to*

1 *the transferee a tax in an amount equal to the*
2 *amount the transferee failed to withhold (plus interest*
3 *under this title on such amount).*

4 “(5) *DEFINITIONS.*—*Any term used in this sub-*
5 *section which is also used under section 1445 shall*
6 *have the same meaning as when used in such section.*

7 “(6) *REGULATIONS.*—*The Secretary shall pre-*
8 *scribe such regulations as may be necessary to carry*
9 *out the purposes of this subsection, including regula-*
10 *tions providing for exceptions from the provisions of*
11 *this subsection.”.*

12 “(c) *EFFECTIVE DATE.*—*The amendments made by this*
13 *section shall apply to sales and exchanges on or after No-*
14 *vember 27, 2017.*

15 **SEC. 13502. MODIFY DEFINITION OF SUBSTANTIAL BUILT-IN**
16 **LOSS IN THE CASE OF TRANSFER OF PART-**
17 **nership Interest.**

18 “(a) *IN GENERAL.*—*Paragraph (1) of section 743(d) is*
19 *to read as follows:*

20 “(1) *IN GENERAL.*—*For purposes of this section,*
21 *a partnership has a substantial built-in loss with re-*
22 *spect to a transfer of an interest in the partnership*
23 *if—*

24 “(A) *the partnership’s adjusted basis in the*
25 *partnership property exceeds by more than*

1 \$250,000 the fair market value of such property,

2 or

3 “(B) the transferee partner would be allo-
4 cated a loss of more than \$250,000 if the part-
5 nership assets were sold for cash equal to their
6 fair market value immediately after such trans-
7 fer.”.

8 (b) *EFFECTIVE DATE.*—The amendments made by this
9 section shall apply to transfers of partnership interests after
10 December 31, 2017.

11 **SEC. 13503. CHARITABLE CONTRIBUTIONS AND FOREIGN**
12 **TAXES TAKEN INTO ACCOUNT IN DETER-**
13 **MINING LIMITATION ON ALLOWANCE OF**
14 **PARTNER'S SHARE OF LOSS.**

15 (a) *IN GENERAL.*—Subsection (d) of section 704 is
16 amended—

17 (1) by striking “A partner’s distributive share”
18 and inserting the following:

19 “(1) *IN GENERAL.*—A partner’s distributive
20 share”,

21 (2) by striking “Any excess of such loss” and in-
22 serting the following:

23 “(2) *CARRYOVER.*—Any excess of such loss”, and

24 (3) by adding at the end the following new para-
25 graph:

1 “(3) *SPECIAL RULES.*—

2 “(A) *IN GENERAL.*—*In determining the*
3 *amount of any loss under paragraph (1), there*
4 *shall be taken into account the partner’s dis-*
5 *tributive share of amounts described in para-*
6 *graphs (4) and (6) of section 702(a).*

7 “(B) *EXCEPTION.*—*In the case of a chari-*
8 *table contribution of property whose fair market*
9 *value exceeds its adjusted basis, subparagraph*
10 *(A) shall not apply to the extent of the partner’s*
11 *distributive share of such excess.”.*

12 (b) *EFFECTIVE DATE.*—*The amendments made by this*
13 *section shall apply to partnership taxable years beginning*
14 *after December 31, 2017.*

15 ***Subpart B—Insurance Reforms***

16 ***SEC. 13511. NET OPERATING LOSSES OF LIFE INSURANCE***
17 ***COMPANIES.***

18 (a) *IN GENERAL.*—*Section 805(b) is amended by strik-*
19 *ing paragraph (4) and by redesignating paragraph (5) as*
20 *paragraph (4).*

21 (b) *CONFORMING AMENDMENTS.*—

22 (1) *Part I of subchapter L of chapter 1 is*
23 *amended by striking section 810 (and by striking the*
24 *item relating to such section in the table of sections*
25 *for such part).*

1 (2)(A) *Part III of subchapter L of chapter 1 is*
2 *amended by striking section 844 (and by striking the*
3 *item relating to such section in the table of sections*
4 *for such part).*

5 (B) *Section 831(b)(3) is amended by striking*
6 *“except as provided in section 844,”*

7 (3) *Section 381 is amended by striking sub-*
8 *section (d).*

9 (4) *Section 805(a)(4)(B)(i) is amended to read*
10 *as follows:*

11 *“(i) the deduction allowed under sec-*
12 *tion 172,”.*

13 (5) *Section 805(a) is amended by striking para-*
14 *graph (5).*

15 (6) *Section 805(b)(2)(A)(iv) is amended to read*
16 *as follows:*

17 *“(iv) any net operating loss carryback*
18 *to the taxable year under section 172, and”.*

19 (7) *Section 953(b)(1)(B) is amended to read as*
20 *follows:*

21 *“(B) So much of section 805(a)(8) as relates*
22 *to the deduction allowed under section 172.”.*

23 (8) *Section 1351(i)(3) is amended by striking*
24 *“or the operations loss deduction under section 810,”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to losses arising in taxable years begin-*
3 *ning after December 31, 2017.*

4 **SEC. 13512. REPEAL OF SMALL LIFE INSURANCE COMPANY**
5 **DEDUCTION.**

6 (a) *IN GENERAL.*—*Part I of subchapter L of chapter*
7 *1 is amended by striking section 806 (and by striking the*
8 *item relating to such section in the table of sections for such*
9 *part).*

10 (b) *CONFORMING AMENDMENTS.*—

11 (1) *Section 453B(e) is amended—*

12 (A) *by striking “(as defined in section*
13 *806(b)(3))” in paragraph (2)(B), and*

14 (B) *by adding at the end the following new*
15 *paragraph:*

16 “(3) *NONINSURANCE BUSINESS.*—

17 “(A) *IN GENERAL.*—*For purposes of this*
18 *subsection, the term ‘noninsurance business’*
19 *means any activity which is not an insurance*
20 *business.*

21 “(B) *CERTAIN ACTIVITIES TREATED AS IN-*
22 *SURANCE BUSINESSES.*—*For purposes of sub-*
23 *paragraph (A), any activity which is not an in-*
24 *surance business shall be treated as an insurance*
25 *business if—*

1 “(i) it is of a type traditionally car-
2 ried on by life insurance companies for in-
3 vestment purposes, but only if the carrying
4 on of such activity (other than in the case
5 of real estate) does not constitute the active
6 conduct of a trade or business, or

7 “(ii) it involves the performance of ad-
8 ministrative services in connection with
9 plans providing life insurance, pension, or
10 accident and health benefits.”.

11 (2) Section 465(c)(7)(D)(v)(II) is amended by
12 striking “section 806(b)(3)” and inserting “section
13 453B(e)(3)”.

14 (3) Section 801(a)(2) is amended by striking
15 subparagraph (C).

16 (4) Section 804 is amended by striking
17 “means—” and all that follows and inserting “means
18 the general deductions provided in section 805.”.

19 (5) Section 805(a)(4)(B), as amended by this
20 Act, is amended by striking clause (i) and by redesign-
21 ating clauses (ii), (iii), and (iv) as clauses (i), (ii),
22 and (iii), respectively.

23 (6) Section 805(b)(2)(A), as amended by this
24 Act, is amended by striking clause (iii) and by redesi-

1 ignating clauses (iv) and (v) as clauses (iii) and (iv),
2 respectively.

3 (7) Section 842(c) is amended by striking para-
4 graph (1) and by redesignating paragraphs (2) and
5 (3) as paragraphs (1) and (2), respectively.

6 (8) Section 953(b)(1), as amended by section
7 13511, is amended by striking subparagraph (A) and
8 by redesignating subparagraphs (B) and (C) as sub-
9 paragraphs (A) and (B), respectively.

10 (c) *EFFECTIVE DATE.*—The amendments made by this
11 section shall apply to taxable years beginning after Decem-
12 ber 31, 2017.

13 **SEC. 13513. ADJUSTMENT FOR CHANGE IN COMPUTING RE-**
14 **SERVES.**

15 (a) *IN GENERAL.*—Paragraph (1) of section 807(f) is
16 amended to read as follows:

17 “(1) *TREATMENT AS CHANGE IN METHOD OF AC-*
18 *COUNTING.*—If the basis for determining any item re-
19 ferred to in subsection (c) as of the close of any tax-
20 able year differs from the basis for such determination
21 as of the close of the preceding taxable year, then so
22 much of the difference between—

23 “(A) the amount of the item at the close of
24 the taxable year, computed on the new basis, and

1 “(B) the amount of the item at the close of
2 the taxable year, computed on the old basis,
3 as is attributable to contracts issued before the taxable
4 year shall be taken into account under section 481 as
5 adjustments attributable to a change in method of ac-
6 counting initiated by the taxpayer and made with the
7 consent of the Secretary.”.

8 (b) *EFFECTIVE DATE.*—The amendments made by this
9 section shall apply to taxable years beginning after Decem-
10 ber 31, 2017.

11 **SEC. 13514. REPEAL OF SPECIAL RULE FOR DISTRIBUTIONS**
12 **TO SHAREHOLDERS FROM PRE-1984 POLICY-**
13 **HOLDERS SURPLUS ACCOUNT.**

14 (a) *IN GENERAL.*—Subpart D of part I of subchapter
15 L is amended by striking section 815 (and by striking the
16 item relating to such section in the table of sections for such
17 subpart).

18 (b) *CONFORMING AMENDMENT.*—Section 801 is
19 amended by striking subsection (c).

20 (c) *EFFECTIVE DATE.*—The amendments made by this
21 section shall apply to taxable years beginning after Decem-
22 ber 31, 2017.

23 (d) *PHASED INCLUSION OF REMAINING BALANCE OF*
24 *POLICYHOLDERS SURPLUS ACCOUNTS.*—In the case of any
25 stock life insurance company which has a balance (deter-

1 mined as of the close of such company's last taxable year
2 beginning before January 1, 2018) in an existing policy-
3 holders surplus account (as defined in section 815 of the
4 Internal Revenue Code of 1986, as in effect before its re-
5 peal), the tax imposed by section 801 of such Code for the
6 first 8 taxable years beginning after December 31, 2017,
7 shall be the amount which would be imposed by such section
8 for such year on the sum of—

9 (1) life insurance company taxable income for
10 such year (within the meaning of such section 801 but
11 not less than zero), plus

12 (2) $\frac{1}{8}$ of such balance.

13 **SEC. 13515. MODIFICATION OF PRORATION RULES FOR**
14 **PROPERTY AND CASUALTY INSURANCE COM-**
15 **PANIES.**

16 (a) *IN GENERAL.*—Section 832(b)(5)(B) is amended—

17 (1) by striking “15 percent” and inserting “the
18 applicable percentage”, and

19 (2) by inserting at the end the following new sen-
20 tence: “For purposes of this subparagraph, the appli-
21 cable percentage is 5.25 percent divided by the highest
22 rate in effect under section 11(b).”.

23 (b) *EFFECTIVE DATE.*—The amendments made by this
24 section shall apply to taxable years beginning after Decem-
25 ber 31, 2017.

1 **SEC. 13516. REPEAL OF SPECIAL ESTIMATED TAX PAY-**
2 **MENTS.**

3 (a) *IN GENERAL.*—Part III of subchapter L of chapter
4 1 is amended by striking section 847 (and by striking the
5 item relating to such section in the table of sections for such
6 part).

7 (b) *EFFECTIVE DATE.*—The amendments made by this
8 section shall apply to taxable years beginning after Decem-
9 ber 31, 2017.

10 **SEC. 13517. COMPUTATION OF LIFE INSURANCE TAX RE-**
11 **SERVES.**

12 (a) *IN GENERAL.*—

13 (1) *COMPUTATION OF RESERVES.*—Section
14 807(c) is amended to read as follows:

15 “(c) *ITEMS TAKEN INTO ACCOUNT.*—The items re-
16 ferred to in subsections (a) and (b) are as follows—

17 “(1) *The life insurance reserves (as defined in*
18 *section 816(b)).*

19 “(2) *The unearned premiums and unpaid losses*
20 *included in total reserves under section 816(c)(2).*

21 “(3) *The amounts (discounted at the appropriate*
22 *rate of interest) necessary to satisfy the obligations*
23 *under insurance and annuity contracts, but only if*
24 *such obligations do not involve (at the time with re-*
25 *spect to which the computation is made under this*
26 *paragraph) life, accident, or health contingencies.*

1 “(4) Dividend accumulations, and other
2 amounts, held at interest in connection with insur-
3 ance and annuity contracts.

4 “(5) Premiums received in advance, and liabil-
5 ities for premium deposit funds.

6 “(6) Reasonable special contingency reserves
7 under contracts of group term life insurance or group
8 accident and health insurance which are established
9 and maintained for the provision of insurance on re-
10 tired lives, for premium stabilization, or a combina-
11 tion thereof.

12 For purposes of paragraph (3), the appropriate rate of in-
13 terest is the highest rate or rates permitted to be used to
14 discount the obligations by the National Association of In-
15 surance Commissioners as of the date the reserve is deter-
16 mined. In no case shall the amount determined under para-
17 graph (3) for any contract be less than the net surrender
18 value of such contract. For purposes of paragraph (2) and
19 section 805(a)(1), the amount of the unpaid losses (other
20 than losses on life insurance contracts) shall be the amount
21 of the discounted unpaid losses as defined in section 846.”.

22 (2) Section 807(d) is amended—

23 (A) by striking paragraphs (1), (2), (4),
24 and (5),

1 (B) by redesignating paragraph (6) as
2 paragraph (4),

3 (C) by inserting before paragraph (3) the
4 following new paragraphs:

5 “(1) DETERMINATION OF RESERVE.—

6 “(A) IN GENERAL.—For purposes of this
7 part (other than section 816), the amount of the
8 life insurance reserves for any contract (other
9 than a contract to which subparagraph (B) ap-
10 plies) shall be the greater of—

11 “(i) the net surrender value of such
12 contract, or

13 “(ii) 92.87 percent of the reserve deter-
14 mined under paragraph (2).

15 “(B) VARIABLE CONTRACTS.—For purposes
16 of this part (other than section 816), the amount
17 of the life insurance reserves for a variable con-
18 tract shall be equal to the sum of—

19 “(i) the greater of—

20 “(I) the net surrender value of
21 such contract, or

22 “(II) the portion of the reserve
23 that is separately accounted for under
24 section 817, plus

1 “(ii) 92.87 percent of the excess (if
2 any) of the reserve determined under para-
3 graph (2) over the amount in clause (i).

4 “(C) *STATUTORY CAP.*—In no event shall
5 the reserves determined under subparagraphs (A)
6 or (B) for any contract as of any time exceed the
7 amount which would be taken into account with
8 respect to such contract as of such time in deter-
9 mining statutory reserves (as defined in para-
10 graph (4)).

11 “(2) *AMOUNT OF RESERVE.*—The amount of the
12 reserve determined under this paragraph with respect
13 to any contract shall be determined by using the tax
14 reserve method applicable to such contract.”,

15 (D) by striking “(as of the date of
16 issuance)” in paragraph (3)(A)(iv)(I) and in-
17 serting “(as of the date the reserve is deter-
18 mined)”,

19 (E) by striking “as of the date of the
20 issuance of” in paragraph (3)(A)(iv)(II) and in-
21 serting “as of the date the reserve is determined
22 for”,

23 (F) by striking “in effect on the date of the
24 issuance of the contract” in paragraph (3)(B)(i)
25 and inserting “applicable to the contract and in

1 effect as of the date the reserve is determined”,
2 and

3 (G) by striking “in effect on the date of the
4 issuance of the contract” in paragraph (3)(B)(ii)
5 and inserting “applicable to the contract and in
6 effect as of the date the reserve is determined”.

7 (3) Section 807(e) is amended—

8 (A) by striking paragraphs (2) and (5),

9 (B) by redesignating paragraphs (3), (4),
10 (6), and (7) as paragraphs (2), (3), (4), and (5),
11 respectively,

12 (C) by amending paragraph (2) (as so re-
13 designated) to read as follows:

14 “(2) QUALIFIED SUPPLEMENTAL BENEFITS.—

15 “(A) QUALIFIED SUPPLEMENTAL BENEFITS
16 TREATED SEPARATELY.—For purposes of this
17 part, the amount of the life insurance reserve for
18 any qualified supplemental benefit shall be com-
19 puted separately as though such benefit were
20 under a separate contract.

21 “(B) QUALIFIED SUPPLEMENTAL BEN-
22 EFIT.—For purposes of this paragraph, the term
23 ‘qualified supplemental benefit’ means any sup-
24 plemental benefit described in subparagraph (C)
25 if—

1 “(i) there is a separately identified
2 premium or charge for such benefit, and

3 “(ii) any net surrender value under the
4 contract attributable to any other benefit is
5 not available to fund such benefit.

6 “(C) SUPPLEMENTAL BENEFITS.—For pur-
7 poses of this paragraph, the supplemental bene-
8 fits described in this subparagraph are any—

9 “(i) guaranteed insurability,

10 “(ii) accidental death or disability
11 benefit,

12 “(iii) convertibility,

13 “(iv) disability waiver benefit, or

14 “(v) other benefit prescribed by regula-
15 tions,

16 which is supplemental to a contract for which
17 there is a reserve described in subsection (c).”,
18 and

19 (D) by adding at the end the following new
20 paragraph:

21 “(6) REPORTING RULES.—The Secretary shall
22 require reporting (at such time and in such manner
23 as the Secretary shall prescribe) with respect to the
24 opening balance and closing balance of reserves and

1 *with respect to the method of computing reserves for*
2 *purposes of determining income.”.*

3 *(4) Section 7702 is amended—*

4 *(A) by striking clause (i) of subsection*
5 *(c)(3)(B) and inserting the following:*

6 *“(i) reasonable mortality charges*
7 *which meet the requirements prescribed in*
8 *regulations to be promulgated by the Sec-*
9 *retary or that do not exceed the mortality*
10 *charges specified in the prevailing commis-*
11 *sioners’ standard tables as defined in sub-*
12 *section (f)(10),” and*

13 *(B) by adding at the end of subsection (f)*
14 *the following new paragraph:*

15 *“(10) PREVAILING COMMISSIONERS’ STANDARD*
16 *TABLES.—For purposes of subsection (c)(3)(B)(i), the*
17 *term ‘prevailing commissioners’ standard tables’*
18 *means the most recent commissioners’ standard tables*
19 *prescribed by the National Association of Insurance*
20 *Commissioners which are permitted to be used in*
21 *computing reserves for that type of contract under the*
22 *insurance laws of at least 26 States when the contract*
23 *was issued. If the prevailing commissioners’ standard*
24 *tables as of the beginning of any calendar year (here-*
25 *inafter in this paragraph referred to as the ‘year of*

1 *change*) are different from the prevailing commis-
2 sioners' standard tables as of the beginning of the pre-
3 ceding calendar year, the issuer may use the pre-
4 vailing commissioners' standard tables as of the be-
5 ginning of the preceding calendar year with respect to
6 any contract issued after the change and before the
7 close of the 3-year period beginning on the first day
8 of the year of change.”.

9 **(b) CONFORMING AMENDMENTS.**—

10 (1) Section 808 is amended by adding at the end
11 the following new subsection:

12 “(g) **PREVAILING STATE ASSUMED INTEREST RATE.**—

13 For purposes of this subchapter—

14 “(1) **IN GENERAL.**—The term ‘prevailing State
15 assumed interest rate’ means, with respect to any con-
16 tract, the highest assumed interest rate permitted to
17 be used in computing life insurance reserves for in-
18 surance contracts or annuity contracts (as the case
19 may be) under the insurance laws of at least 26
20 States. For purposes of the preceding sentence, the ef-
21 fect of nonforfeiture laws of a State on interest rates
22 for reserves shall not be taken into account.

23 “(2) **WHEN RATE DETERMINED.**—The prevailing
24 State assumed interest rate with respect to any con-

1 *tract shall be determined as of the beginning of the*
2 *calendar year in which the contract was issued.”.*

3 *(2) Paragraph (1) of section 811(d) is amended*
4 *by striking “the greater of the prevailing State as-*
5 *sumed interest rate or applicable Federal interest rate*
6 *in effect under section 807” and inserting “the inter-*
7 *est rate in effect under section 808(g)”.*

8 *(3) Subparagraph (A) of section 846(f)(6) is*
9 *amended by striking “except that” and all that fol-*
10 *lows and inserting “except that the limitation of sub-*
11 *section (a)(3) shall apply, and”.*

12 *(4) Subparagraph (B) of section 954(i)(5) is*
13 *amended by striking “shall apply, and”.*

14 *(c) EFFECTIVE DATE.—*

15 *(1) IN GENERAL.—The amendments made by*
16 *this section shall apply to taxable years beginning*
17 *after December 31, 2017.*

18 *(2) TRANSITION RULE.—For the first taxable*
19 *year beginning after December 31, 2017, the reserve*
20 *with respect to any contract (as determined under*
21 *section 807(d)(2) of the Internal Revenue Code of*
22 *1986) at the end of the preceding taxable year shall*
23 *be determined as if the amendments made by this sec-*
24 *tion had applied to such reserve in such preceding*
25 *taxable year.*

1 (3) *TRANSITION RELIEF.*—

2 (A) *IN GENERAL.*—If—

3 (i) *the reserve determined under section*
4 *807(d)(2) of the Internal Revenue Code of*
5 *1986 (determined without regard to the*
6 *amendments made by this section) with re-*
7 *spect to any contract as of the close of the*
8 *year preceding the first taxable year begin-*
9 *ning after December 31, 2017, differs from*

10 (ii) *the reserve which would have been*
11 *determined with respect to such contract as*
12 *of the close of such taxable year under such*
13 *section determined without regard to para-*
14 *graph (2),*

15 *then the difference between the amount of the re-*
16 *serve described in clause (i) and the amount of*
17 *the reserve described in clause (ii) shall be taken*
18 *into account under the method provided in sub-*
19 *paragraph (B).*

20 (B) *METHOD.*—*The method provided in this*
21 *subparagraph is as follows:*

22 (i) *If the amount determined under*
23 *subparagraph (A)(i) exceeds the amount de-*
24 *termined under subparagraph (A)(ii), 1/8 of*
25 *such excess shall be taken into account, for*

1 each of the 8 succeeding taxable years, as a
2 deduction under section 805(a)(2) or
3 832(c)(4) of such Code, as applicable.

4 (ii) If the amount determined under
5 subparagraph (A)(ii) exceeds the amount
6 determined under subparagraph (A)(i), 1/8
7 of such excess shall be included in gross in-
8 come, for each of the 8 succeeding taxable
9 years, under section 803(a)(2) or
10 832(b)(1)(C) of such Code, as applicable.

11 **SEC. 13518. MODIFICATION OF RULES FOR LIFE INSURANCE**
12 **PRORATION FOR PURPOSES OF DETER-**
13 **MINING THE DIVIDENDS RECEIVED DEDUC-**
14 **TION.**

15 (a) *IN GENERAL.*—Section 812 is amended to read as
16 follows:

17 **“SEC. 812. DEFINITION OF COMPANY’S SHARE AND POLICY-**
18 **HOLDER’S SHARE.**

19 “(a) *COMPANY’S SHARE.*—For purposes of section
20 805(a)(4), the term ‘company’s share’ means, with respect
21 to any taxable year beginning after December 31, 2017, 70
22 percent.

23 “(b) *POLICYHOLDER’S SHARE.*—For purposes of sec-
24 tion 807, the term ‘policyholder’s share’ means, with respect

1 to any taxable year beginning after December 31, 2017, 30
2 percent.”.

3 (b) *CONFORMING AMENDMENT.*—Section 817A(e)(2) is
4 amended by striking “, 807(d)(2)(B), and 812” and insert-
5 ing “and 807(d)(2)(B)”.

6 (c) *EFFECTIVE DATE.*—The amendments made by this
7 section shall apply to taxable years beginning after Decem-
8 ber 31, 2017.

9 **SEC. 13519. CAPITALIZATION OF CERTAIN POLICY ACQUI-
10 *SION EXPENSES.***

11 (a) *IN GENERAL.*—

12 (1) Section 848(a)(2) is amended by striking
13 “120-month” and inserting “180-month”.

14 (2) Section 848(c)(1) is amended by striking
15 “1.75 percent” and inserting “2.1 percent”.

16 (3) Section 848(c)(2) is amended by striking
17 “2.05 percent” and inserting “2.46 percent”.

18 (4) Section 848(c)(3) is amended by striking
19 “7.7 percent” and inserting “9.24 percent”.

20 (b) *CONFORMING AMENDMENTS.*—Section 848(b)(1) is
21 amended by striking “120-month” and inserting “180-
22 month”.

23 (c) *EFFECTIVE DATE.*—

1 (1) *IN GENERAL.*—*The amendments made by*
2 *this section shall apply to net premiums for taxable*
3 *years beginning after December 31, 2017.*

4 (2) *TRANSITION RULE.*—*Specified policy acqui-*
5 *sition expenses first required to be capitalized in a*
6 *taxable year beginning before January 1, 2018, will*
7 *continue to be allowed as a deduction ratably over the*
8 *120-month period beginning with the first month in*
9 *the second half of such taxable year.*

10 **SEC. 13520. TAX REPORTING FOR LIFE SETTLEMENT TRANS-**
11 **ACTIONS.**

12 (a) *IN GENERAL.*—*Subpart B of part III of subchapter*
13 *A of chapter 61, as amended by section 13306, is amended*
14 *by adding at the end the following new section:*

15 **“SEC. 6050Y. RETURNS RELATING TO CERTAIN LIFE INSUR-**
16 **ANCE CONTRACT TRANSACTIONS.**

17 “(a) *REQUIREMENT OF REPORTING OF CERTAIN PAY-*
18 *MENTS.*—

19 “(1) *IN GENERAL.*—*Every person who acquires a*
20 *life insurance contract or any interest in a life insur-*
21 *ance contract in a reportable policy sale during any*
22 *taxable year shall make a return for such taxable year*
23 *(at such time and in such manner as the Secretary*
24 *shall prescribe) setting forth—*

1 “(A) the name, address, and TIN of such
2 person,

3 “(B) the name, address, and TIN of each re-
4 cipient of payment in the reportable policy sale,

5 “(C) the date of such sale,

6 “(D) the name of the issuer of the life insur-
7 ance contract sold and the policy number of such
8 contract, and

9 “(E) the amount of each payment.

10 “(2) STATEMENT TO BE FURNISHED TO PERSONS
11 WITH RESPECT TO WHOM INFORMATION IS RE-
12 QUIRED.—Every person required to make a return
13 under this subsection shall furnish to each person
14 whose name is required to be set forth in such return
15 a written statement showing—

16 “(A) the name, address, and phone number
17 of the information contact of the person required
18 to make such return, and

19 “(B) the information required to be shown
20 on such return with respect to such person, ex-
21 cept that in the case of an issuer of a life insur-
22 ance contract, such statement is not required to
23 include the information specified in paragraph
24 (1)(E).

1 “(b) *REQUIREMENT OF REPORTING OF SELLER’S*
2 *BASIS IN LIFE INSURANCE CONTRACTS.—*

3 “(1) *IN GENERAL.—Upon receipt of the state-*
4 *ment required under subsection (a)(2) or upon notice*
5 *of a transfer of a life insurance contract to a foreign*
6 *person, each issuer of a life insurance contract shall*
7 *make a return (at such time and in such manner as*
8 *the Secretary shall prescribe) setting forth—*

9 “(A) *the name, address, and TIN of the sell-*
10 *er who transfers any interest in such contract in*
11 *such sale,*

12 “(B) *the investment in the contract (as de-*
13 *fined in section 72(e)(6)) with respect to such*
14 *seller, and*

15 “(C) *the policy number of such contract.*

16 “(2) *STATEMENT TO BE FURNISHED TO PERSONS*
17 *WITH RESPECT TO WHOM INFORMATION IS RE-*
18 *QUIRED.—Every person required to make a return*
19 *under this subsection shall furnish to each person*
20 *whose name is required to be set forth in such return*
21 *a written statement showing—*

22 “(A) *the name, address, and phone number*
23 *of the information contact of the person required*
24 *to make such return, and*

1 “(B) the information required to be shown
2 on such return with respect to each seller whose
3 name is required to be set forth in such return.

4 “(c) REQUIREMENT OF REPORTING WITH RESPECT TO
5 REPORTABLE DEATH BENEFITS.—

6 “(1) IN GENERAL.—Every person who makes a
7 payment of reportable death benefits during any tax-
8 able year shall make a return for such taxable year
9 (at such time and in such manner as the Secretary
10 shall prescribe) setting forth—

11 “(A) the name, address, and TIN of the per-
12 son making such payment,

13 “(B) the name, address, and TIN of each re-
14 cipient of such payment,

15 “(C) the date of each such payment,

16 “(D) the gross amount of each such pay-
17 ment, and

18 “(E) such person’s estimate of the invest-
19 ment in the contract (as defined in section
20 72(e)(6)) with respect to the buyer.

21 “(2) STATEMENT TO BE FURNISHED TO PERSONS
22 WITH RESPECT TO WHOM INFORMATION IS RE-
23 QUIRED.—Every person required to make a return
24 under this subsection shall furnish to each person

1 *whose name is required to be set forth in such return*
2 *a written statement showing—*

3 *“(A) the name, address, and phone number*
4 *of the information contact of the person required*
5 *to make such return, and*

6 *“(B) the information required to be shown*
7 *on such return with respect to each recipient of*
8 *payment whose name is required to be set forth*
9 *in such return.*

10 *“(d) DEFINITIONS.—For purposes of this section:*

11 *“(1) PAYMENT.—The term ‘payment’ means,*
12 *with respect to any reportable policy sale, the amount*
13 *of cash and the fair market value of any consider-*
14 *ation transferred in the sale.*

15 *“(2) REPORTABLE POLICY SALE.—The term ‘re-*
16 *portable policy sale’ has the meaning given such term*
17 *in section 101(a)(3)(B).*

18 *“(3) ISSUER.—The term ‘issuer’ means any life*
19 *insurance company that bears the risk with respect to*
20 *a life insurance contract on the date any return or*
21 *statement is required to be made under this section.*

22 *“(4) REPORTABLE DEATH BENEFITS.—The term*
23 *‘reportable death benefits’ means amounts paid by*
24 *reason of the death of the insured under a life insur-*

1 *ance contract that has been transferred in a report-*
2 *able policy sale.”.*

3 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
4 *subpart B of part III of subchapter A of chapter 61, as*
5 *amended by section 13306, is amended by inserting after*
6 *the item relating to section 6050X the following new item:*
 “Sec. 6050Y. Returns relating to certain life insurance contract transactions.”.

7 (c) *CONFORMING AMENDMENTS.*—

8 (1) *Subsection (d) of section 6724 is amended—*
9 (A) *by striking “or” at the end of clause*
10 *(xxiv) of paragraph (1)(B), by striking “and” at*
11 *the end of clause (xxv) of such paragraph and*
12 *inserting “or”, and by inserting after such clause*
13 *(xxv) the following new clause:*

14 *“(xxvi) section 6050Y (relating to re-*
15 *turns relating to certain life insurance con-*
16 *tract transactions), and”, and*

17 (B) *by striking “or” at the end of subpara-*
18 *graph (HH) of paragraph (2), by striking the*
19 *period at the end of subparagraph (II) of such*
20 *paragraph and inserting “, or”, and by insert-*
21 *ing after such subparagraph (II) the following*
22 *new subparagraph:*

23 *“(JJ) subsection (a)(2), (b)(2), or (c)(2) of*
24 *section 6050Y (relating to returns relating to*
25 *certain life insurance contract transactions).”.*

1 (2) *Section 6047 is amended—*

2 (A) *by redesignating subsection (g) as sub-*
3 *section (h),*

4 (B) *by inserting after subsection (f) the fol-*
5 *lowing new subsection:*

6 “(g) *INFORMATION RELATING TO LIFE INSURANCE*
7 *CONTRACT TRANSACTIONS.—This section shall not apply to*
8 *any information which is required to be reported under sec-*
9 *tion 6050Y.”, and*

10 (C) *by adding at the end of subsection (h),*
11 *as so redesignated, the following new paragraph:*

12 “(4) *For provisions requiring reporting of infor-*
13 *mation relating to certain life insurance contract*
14 *transactions, see section 6050Y.”.*

15 (d) *EFFECTIVE DATE.—The amendments made by this*
16 *section shall apply to—*

17 (1) *reportable policy sales (as defined in section*
18 *6050Y(d)(2) of the Internal Revenue Code of 1986 (as*
19 *added by subsection (a)) after December 31, 2017,*
20 *and*

21 (2) *reportable death benefits (as defined in sec-*
22 *tion 6050Y(d)(4) of such Code (as added by subsection*
23 *(a)) paid after December 31, 2017.*

1 **SEC. 13521. CLARIFICATION OF TAX BASIS OF LIFE INSUR-**
2 **ANCE CONTRACTS.**

3 (a) *CLARIFICATION WITH RESPECT TO ADJUST-*
4 *MENTS.*—*Paragraph (1) of section 1016(a) is amended by*
5 *striking subparagraph (A) and all that follows and insert-*
6 *ing the following:*

7 “(A) for—

8 “(i) *taxes or other carrying charges de-*
9 *scribed in section 266; or*

10 “(ii) *expenditures described in section*
11 *173 (relating to circulation expenditures),*
12 *for which deductions have been taken by the tax-*
13 *payer in determining taxable income for the tax-*
14 *able year or prior taxable years; or*

15 “(B) *for mortality, expense, or other reason-*
16 *able charges incurred under an annuity or life*
17 *insurance contract;”.*

18 (b) *EFFECTIVE DATE.*—*The amendment made by this*
19 *section shall apply to transactions entered into after August*
20 *25, 2009.*

21 **SEC. 13522. EXCEPTION TO TRANSFER FOR VALUABLE CON-**
22 **SIDERATION RULES.**

23 (a) *IN GENERAL.*—*Subsection (a) of section 101 is*
24 *amended by inserting after paragraph (2) the following new*
25 *paragraph:*

1 “(3) *EXCEPTION TO VALUABLE CONSIDERATION*
2 *RULES FOR COMMERCIAL TRANSFERS.*—

3 “(A) *IN GENERAL.*—*The second sentence of*
4 *paragraph (2) shall not apply in the case of a*
5 *transfer of a life insurance contract, or any in-*
6 *terest therein, which is a reportable policy sale.*

7 “(B) *REPORTABLE POLICY SALE.*—*For pur-*
8 *poses of this paragraph, the term ‘reportable pol-*
9 *icy sale’ means the acquisition of an interest in*
10 *a life insurance contract, directly or indirectly,*
11 *if the acquirer has no substantial family, busi-*
12 *ness, or financial relationship with the insured*
13 *apart from the acquirer’s interest in such life in-*
14 *surance contract. For purposes of the preceding*
15 *sentence, the term ‘indirectly’ applies to the ac-*
16 *quisition of an interest in a partnership, trust,*
17 *or other entity that holds an interest in the life*
18 *insurance contract.”.*

19 (b) *CONFORMING AMENDMENT.*—*Paragraph (1) of sec-*
20 *tion 101(a) is amended by striking “paragraph (2)” and*
21 *inserting “paragraphs (2) and (3)”.*

22 (c) *EFFECTIVE DATE.*—*The amendments made by this*
23 *section shall apply to transfers after December 31, 2017.*

1 “(i) \$10,000,000,000, bears to

2 “(B) \$40,000,000,000.

3 “(4) *FDIC PREMIUMS*.—For purposes of this
4 subsection, the term ‘*FDIC premium*’ means any as-
5 sessment imposed under section 7(b) of the Federal
6 Deposit Insurance Act (12 U.S.C. 1817(b)).

7 “(5) *TOTAL CONSOLIDATED ASSETS*.—For pur-
8 poses of this subsection, the term ‘*total consolidated*
9 *assets*’ has the meaning given such term under section
10 165 of the Dodd-Frank Wall Street Reform and Con-
11 sumer Protection Act (12 U.S.C. 5365).

12 “(6) *AGGREGATION RULE*.—

13 “(A) *IN GENERAL*.—Members of an ex-
14 panded affiliated group shall be treated as a sin-
15 gular taxpayer for purposes of applying this sub-
16 section.

17 “(B) *EXPANDED AFFILIATED GROUP*.—

18 “(i) *IN GENERAL*.—For purposes of
19 this paragraph, the term ‘*expanded affili-*
20 *ated group*’ means an affiliated group as
21 defined in section 1504(a), determined—

22 “(I) by substituting ‘*more than 50*
23 *percent*’ for ‘*at least 80 percent*’ each
24 place it appears, and

1 “(II) *without regard to para-*
2 *graphs (2) and (3) of section 1504(b).*

3 “(ii) *CONTROL OF NON-CORPORATE EN-*
4 *TITIES.—A partnership or any other entity*
5 *(other than a corporation) shall be treated*
6 *as a member of an expanded affiliated*
7 *group if such entity is controlled (within*
8 *the meaning of section 954(d)(3)) by mem-*
9 *bers of such group (including any entity*
10 *treated as a member of such group by rea-*
11 *son of this clause).”.*

12 **(b) EFFECTIVE DATE.**—*The amendments made by this*
13 *section shall apply to taxable years beginning after Decem-*
14 *ber 31, 2017.*

15 **SEC. 13532. REPEAL OF ADVANCE REFUNDING BONDS.**

16 **(a) IN GENERAL.**—*Paragraph (1) of section 149(d) is*
17 *amended by striking “as part of an issue described in para-*
18 *graph (2), (3), or (4).” and inserting “to advance refund*
19 *another bond.”.*

20 **(b) CONFORMING AMENDMENTS.**—

21 **(1)** *Section 149(d) is amended by striking para-*
22 *graphs (2), (3), (4), and (6) and by redesignating*
23 *paragraphs (5) and (7) as paragraphs (2) and (3).*

1 (2) *Section 148(f)(4)(C) is amended by striking*
2 *clause (xiv) and by redesignating clauses (xv) to*
3 *(xvii) as clauses (xiv) to (xvi).*

4 (c) *EFFECTIVE DATE.*—*The amendments made by this*
5 *section shall apply to advance refunding bonds issued after*
6 *December 31, 2017.*

7 **SEC. 13533. COST BASIS OF SPECIFIED SECURITIES DETER-**
8 **MINED WITHOUT REGARD TO IDENTIFICA-**
9 **TION.**

10 (a) *IN GENERAL.*—*Section 1012 is amended by adding*
11 *at the end the following new subsection:*

12 “(e) *COST BASIS OF SPECIFIED SECURITIES DETER-*
13 *MINED WITHOUT REGARD TO IDENTIFICATION.*—

14 “(1) *IN GENERAL.*—*Unless the Secretary permits*
15 *the use of an average basis method for determining*
16 *cost, in the case of the sale, exchange, or other disposi-*
17 *tion of a specified security (within the meaning of*
18 *section 6045(g)(3)(B)), the basis (and holding period)*
19 *of such security shall be determined on a first-in first-*
20 *out basis.*

21 “(2) *EXCEPTION.*—*In the case of a sale, ex-*
22 *change, or other disposition of a specified security by*
23 *a regulated investment company (as defined in sec-*
24 *tion 851(a)), paragraph (1) shall not apply.”.*

25 (b) *CONFORMING AMENDMENTS.*—

1 **SEC. 13542. CHARITABLE CONTRIBUTION DEDUCTION FOR**
2 **ELECTING SMALL BUSINESS TRUSTS.**

3 (a) *IN GENERAL.*—Section 641(c)(2) is amended by
4 inserting after subparagraph (D) the following new sub-
5 paragraph:

6 “(E)(i) Section 642(c) shall not apply.

7 “(ii) For purposes of section 170(b)(1)(G),
8 adjusted gross income shall be computed in the
9 same manner as in the case of an individual, ex-
10 cept that the deductions for costs which are paid
11 or incurred in connection with the administra-
12 tion of the trust and which would not have been
13 incurred if the property were not held in such
14 trust shall be treated as allowable in arriving at
15 adjusted gross income.”.

16 (b) *EFFECTIVE DATE.*—The amendment made by this
17 section shall apply to taxable years beginning after Decem-
18 ber 31, 2017.

19 **SEC. 13543. MODIFICATION OF TREATMENT OF S CORPORA-**
20 **TION CONVERSIONS TO C CORPORATIONS.**

21 (a) *ADJUSTMENTS ATTRIBUTABLE TO CONVERSION*
22 *FROM S CORPORATION TO C CORPORATION.*—Section 481
23 is amended by adding at the end the following new sub-
24 section:

25 “(d) *ADJUSTMENTS ATTRIBUTABLE TO CONVERSION*
26 *FROM S CORPORATION TO C CORPORATION.*—(1) *IN GEN-*

1 *ERAL.—In the case of an eligible terminated S corpora-*
2 *tion, any increase in tax under this chapter by reason of*
3 *an adjustment required by subsection (a)(2), and which is*
4 *attributable to such corporation’s revocation described in*
5 *paragraph (2)(A)(ii), shall be taken into account ratably*
6 *during the 6-taxable year period beginning with the year*
7 *of change.”.*

8 (b) *IN GENERAL.—Section 1371 is amended by adding*
9 *at the end the following new subsection:*

10 “(f) *CASH DISTRIBUTIONS FOLLOWING POST-TERMI-*
11 *NATION TRANSITION PERIOD.—*

12 “(1) *IN GENERAL.—In the case of a distribution*
13 *of money by an eligible terminated S corporation*
14 *after the post-termination transition period, the accu-*
15 *mulated adjustments account shall be allocated to*
16 *such distribution, and the distribution shall be*
17 *chargeable to accumulated earnings and profits, in*
18 *the same ratio as the amount of such accumulated ad-*
19 *justments account bears to the amount of such accu-*
20 *mulated earnings and profits.*

21 “(2) *ELIGIBLE TERMINATED S CORPORATION.—*
22 *For purposes of this subsection, the term ‘eligible ter-*
23 *minated S corporation’ means any C corporation—*

24 “(A) *which—*

1 “(i) was an S corporation on the day
2 before the date of the enactment of the Tax
3 Cuts and Jobs Act, and

4 “(ii) during the 2-year period begin-
5 ning on the date of such enactment makes
6 a revocation of its election under section
7 1362(a), and

8 “(B) the owners of the stock of which, deter-
9 mined on the date such revocation is made, are
10 the same owners (and in identical proportions)
11 as on the date of such enactment.”.

12 (c) *EFFECTIVE DATE.*—The amendments made by this
13 section shall apply to distributions after the date of the en-
14 actment of this Act.

15 **PART VII—EMPLOYMENT**

16 **Subpart A—Compensation**

17 **SEC. 13601. MODIFICATION OF LIMITATION ON EXCESSIVE** 18 **EMPLOYEE REMUNERATION.**

19 (a) *REPEAL OF PERFORMANCE-BASED COMPENSATION*
20 *AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCES-*
21 *SIVE EMPLOYEE REMUNERATION.*—

22 (1) *IN GENERAL.*—Paragraph (4) of section
23 162(m) is amended by striking subparagraphs (B)
24 and (C) and by redesignating subparagraphs (D),

1 *(E), (F), and (G) as subparagraphs (B), (C), (D),*
2 *and (E), respectively.*

3 (2) *CONFORMING AMENDMENTS.—*

4 (A) *Paragraphs (5)(E) and (6)(D) of sec-*
5 *tion 162(m) are each amended by striking “sub-*
6 *paragraphs (B), (C), and (D)” and inserting*
7 *“subparagraph (B)”.*

8 (B) *Paragraphs (5)(G) and (6)(G) of sec-*
9 *tion 162(m) are each amended by striking “(F)*
10 *and (G)” and inserting “(D) and (E)”.*

11 (b) *MODIFICATION OF DEFINITION OF COVERED EM-*
12 *PLOYEES.—Paragraph (3) of section 162(m) is amended—*

13 (1) *in subparagraph (A), by striking “as of the*
14 *close of the taxable year, such employee is the chief ex-*
15 *ecutive officer of the taxpayer or is” and inserting*
16 *“such employee is the principal executive officer or*
17 *principal financial officer of the taxpayer at any*
18 *time during the taxable year, or was”,*

19 (2) *in subparagraph (B)—*

20 (A) *by striking “4” and inserting “3”, and*

21 (B) *by striking “(other than the chief execu-*
22 *tive officer)” and inserting “(other than any in-*
23 *dividual described in subparagraph (A))”, and*

24 (3) *by striking “or” at the end of subparagraph*
25 *(A), by striking the period at the end of subparagraph*

1 (B) and inserting “, or”, and by adding at the end
2 the following:

3 “(C) was a covered employee of the taxpayer
4 (or any predecessor) for any preceding taxable
5 year beginning after December 31, 2016.”.

6 (c) *EXPANSION OF APPLICABLE EMPLOYER.*—

7 (1) *IN GENERAL.*—Section 162(m)(2) is amended
8 to read as follows:

9 “(2) *PUBLICLY HELD CORPORATION.*—For pur-
10 poses of this subsection, the term ‘publicly held cor-
11 poration’ means any corporation which is an issuer
12 (as defined in section 3 of the Securities Exchange
13 Act of 1934 (15 U.S.C. 78c))—

14 “(A) the securities of which are required to
15 be registered under section 12 of such Act (15
16 U.S.C. 78l), or

17 “(B) that is required to file reports under
18 section 15(d) of such Act (15 U.S.C. 78o(d)).”.

19 (2) *CONFORMING AMENDMENT.*—Section
20 162(m)(3), as amended by subsection (b), is amended
21 by adding at the end the following flush sentence:

22 “Such term shall include any employee who would be
23 described in subparagraph (B) if the reporting de-
24 scribed in such subparagraph were required as so de-
25 scribed.”.

1 (d) *SPECIAL RULE FOR REMUNERATION PAID TO*
2 *BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as*
3 *amended by subsection (a), is amended by adding at the*
4 *end the following new subparagraph:*

5 “(F) *SPECIAL RULE FOR REMUNERATION*
6 *PAID TO BENEFICIARIES, ETC.—Remuneration*
7 *shall not fail to be applicable employee remun-*
8 *eration merely because it is includible in the*
9 *income of, or paid to, a person other than the*
10 *covered employee, including after the death of the*
11 *covered employee.”.*

12 (e) *EFFECTIVE DATE.—*

13 (1) *IN GENERAL.—Except as provided in para-*
14 *graph (2), the amendments made by this section shall*
15 *apply to taxable years beginning after December 31,*
16 *2017.*

17 (2) *EXCEPTION FOR BINDING CONTRACTS.—The*
18 *amendments made by this section shall not apply to*
19 *remuneration which is pursuant to a written binding*
20 *contract which was in effect on November 2, 2017,*
21 *and which was not modified in any material respect*
22 *on or after such date.*

1 **SEC. 13602. EXCISE TAX ON EXCESS TAX-EXEMPT ORGANI-**
2 **ZATION EXECUTIVE COMPENSATION.**

3 (a) *IN GENERAL.*—Subchapter D of chapter 42 is
4 amended by adding at the end the following new section:

5 **“SEC. 4960. TAX ON EXCESS TAX-EXEMPT ORGANIZATION**
6 **EXECUTIVE COMPENSATION.**

7 “(a) *TAX IMPOSED.*—There is hereby imposed a tax
8 equal to 20 percent of the sum of—

9 “(1) so much of the remuneration paid (other
10 than any excess parachute payment) by an applicable
11 tax-exempt organization for the taxable year with re-
12 spect to employment of any covered employee in ex-
13 cess of \$1,000,000, plus

14 “(2) any excess parachute payment paid by such
15 an organization to any covered employee.

16 For purposes of the preceding sentence, remuneration shall
17 be treated as paid when there is no substantial risk of for-
18 feiture of the rights to such remuneration.

19 “(b) *LIABILITY FOR TAX.*—The employer shall be liable
20 for the tax imposed under subsection (a).

21 “(c) *DEFINITIONS AND SPECIAL RULES.*—For pur-
22 poses of this section—

23 “(1) *APPLICABLE TAX-EXEMPT ORGANIZATION.*—
24 The term ‘applicable tax-exempt organization’ means
25 any organization which for the taxable year—

1 “(A) is exempt from taxation under section
2 501(a),

3 “(B) is a farmers’ cooperative organization
4 described in section 521(b)(1),

5 “(C) has income excluded from taxation
6 under section 115(1), or

7 “(D) is a political organization described in
8 section 527(e)(1).

9 “(2) COVERED EMPLOYEE.—For purposes of this
10 section, the term ‘covered employee’ means any em-
11 ployee (including any former employee) of an appli-
12 cable tax-exempt organization if the employee—

13 “(A) is one of the 5 highest compensated
14 employees of the organization for the taxable
15 year, or

16 “(B) was a covered employee of the organi-
17 zation (or any predecessor) for any preceding
18 taxable year beginning after December 31, 2016.

19 “(3) REMUNERATION.—For purposes of this sec-
20 tion, the term ‘remuneration’ means wages (as de-
21 fined in section 3401(a)), except that such term shall
22 not include any designated Roth contribution (as de-
23 fined in section 402A(c)) and shall include amounts
24 required to be included in gross income under section
25 457(f).

1 “(4) *REMUNERATION FROM RELATED ORGANIZA-*
2 *TIONS.—*

3 “(A) *IN GENERAL.—Remuneration of a cov-*
4 *ered employee by an applicable tax-exempt orga-*
5 *nization shall include any remuneration paid*
6 *with respect to employment of such employee by*
7 *any related person or governmental entity.*

8 “(B) *RELATED ORGANIZATIONS.—A person*
9 *or governmental entity shall be treated as related*
10 *to an applicable tax-exempt organization if such*
11 *person or governmental entity—*

12 “(i) *controls, or is controlled by, the*
13 *organization,*

14 “(ii) *is controlled by one or more per-*
15 *sons which control the organization,*

16 “(iii) *is a supported organization (as*
17 *defined in section 509(f)(3)) during the tax-*
18 *able year with respect to the organization,*

19 “(iv) *is a supporting organization de-*
20 *scribed in section 509(a)(3) during the tax-*
21 *able year with respect to the organization,*
22 *or*

23 “(v) *in the case of an organization*
24 *which is a voluntary employees’ beneficiary*
25 *association described in section 501(c)(9),*

1 *establishes, maintains, or makes contribu-*
2 *tions to such voluntary employees' bene-*
3 *ficiary association.*

4 “(C) *LIABILITY FOR TAX.*—*In any case in*
5 *which remuneration from more than one em-*
6 *ployer is taken into account under this para-*
7 *graph in determining the tax imposed by sub-*
8 *section (a), each such employer shall be liable for*
9 *such tax in an amount which bears the same*
10 *ratio to the total tax determined under sub-*
11 *section (a) with respect to such remuneration*
12 *as—*

13 “(i) *the amount of remuneration paid*
14 *by such employer with respect to such em-*
15 *ployee, bears to*

16 “(ii) *the amount of remuneration paid*
17 *by all such employers to such employee.*

18 “(5) *EXCESS PARACHUTE PAYMENT.*—*For pur-*
19 *poses of determining the tax imposed by subsection*
20 *(a)(2)—*

21 “(A) *IN GENERAL.*—*The term ‘excess para-*
22 *chute payment’ means an amount equal to the*
23 *excess of any parachute payment over the por-*
24 *tion of the base amount allocated to such pay-*
25 *ment.*

1 “(B) *PARACHUTE PAYMENT.*—*The term*
2 *‘parachute payment’ means any payment in the*
3 *nature of compensation to (or for the benefit of)*
4 *a covered employee if—*

5 “(i) *such payment is contingent on*
6 *such employee’s separation from employ-*
7 *ment with the employer, and*

8 “(ii) *the aggregate present value of the*
9 *payments in the nature of compensation to*
10 *(or for the benefit of) such individual which*
11 *are contingent on such separation equals or*
12 *exceeds an amount equal to 3 times the base*
13 *amount.*

14 *Such term does not include any payment de-*
15 *scribed in section 280G(b)(6) (relating to exemp-*
16 *tion for payments under qualified plans) or any*
17 *payment made under or to an annuity contract*
18 *described in section 403(b) or a plan described*
19 *in section 457(b).*

20 “(C) *BASE AMOUNT.*—*Rules similar to the*
21 *rules of 280G(b)(3) shall apply for purposes of*
22 *determining the base amount.*

23 “(D) *PROPERTY TRANSFERS; PRESENT*
24 *VALUE.*—*Rules similar to the rules of para-*

1 graphs (3) and (4) of section 280G(d) shall
2 apply.

3 “(6) *COORDINATION WITH DEDUCTION LIMITA-*
4 *TION.—Remuneration the deduction for which is not*
5 *allowed by reason of section 162(m) shall not be taken*
6 *into account for purposes of this section.*

7 “(d) *REGULATIONS.—The Secretary shall prescribe*
8 *such regulations as may be necessary to prevent avoidance*
9 *of the tax under this section, including regulations pre-*
10 *venting employees from being misclassified as contractors*
11 *or from being compensated through a pass-through or other*
12 *entity to avoid such tax.”.*

13 (b) *CLERICAL AMENDMENT.—The table of sections for*
14 *subchapter D of chapter 42 is amended by adding at the*
15 *end the following new item:*

 “*Sec. 4960. Tax on excess tax-exempt organization executive compensation.*”.

16 (c) *EFFECTIVE DATE.—The amendments made by this*
17 *section shall apply to taxable years beginning after Decem-*
18 *ber 31, 2017.*

19 **SEC. 13603. TREATMENT OF QUALIFIED EQUITY GRANTS.**

20 (a) *IN GENERAL.—Section 83 is amended by adding*
21 *at the end the following new subsection:*

22 “(i) *QUALIFIED EQUITY GRANTS.—*

23 “(1) *IN GENERAL.—For purposes of this sub-*
24 *title—*

1 “(A) *TIMING OF INCLUSION.*—If qualified
2 *stock is transferred to a qualified employee who*
3 *makes an election with respect to such stock*
4 *under this subsection, subsection (a) shall be ap-*
5 *plied by including the amount determined under*
6 *such subsection with respect to such stock in in-*
7 *come of the employee in the taxable year deter-*
8 *mined under subparagraph (B) in lieu of the*
9 *taxable year described in subsection (a).*

10 “(B) *TAXABLE YEAR DETERMINED.*—The
11 *taxable year determined under this subpara-*
12 *graph is the taxable year of the employee which*
13 *includes the earliest of—*

14 “(i) *the first date such qualified stock*
15 *becomes transferable (including, solely for*
16 *purposes of this clause, becoming transfer-*
17 *able to the employer),*

18 “(ii) *the date the employee first be-*
19 *comes an excluded employee,*

20 “(iii) *the first date on which any stock*
21 *of the corporation which issued the qualified*
22 *stock becomes readily tradable on an estab-*
23 *lished securities market (as determined by*
24 *the Secretary, but not including any market*
25 *unless such market is recognized as an es-*

1 *established securities market by the Secretary*
2 *for purposes of a provision of this title other*
3 *than this subsection),*

4 *“(iv) the date that is 5 years after the*
5 *first date the rights of the employee in such*
6 *stock are transferable or are not subject to*
7 *a substantial risk of forfeiture, whichever*
8 *occurs earlier, or*

9 *“(v) the date on which the employee re-*
10 *voles (at such time and in such manner as*
11 *the Secretary provides) the election under*
12 *this subsection with respect to such stock.*

13 *“(2) QUALIFIED STOCK.—*

14 *“(A) IN GENERAL.—For purposes of this*
15 *subsection, the term ‘qualified stock’ means, with*
16 *respect to any qualified employee, any stock in*
17 *a corporation which is the employer of such em-*
18 *ployee, if—*

19 *“(i) such stock is received—*

20 *“(I) in connection with the exer-*
21 *cise of an option, or*

22 *“(II) in settlement of a restricted*
23 *stock unit, and*

24 *“(ii) such option or restricted stock*
25 *unit was granted by the corporation—*

1 “(I) in connection with the per-
2 formance of services as an employee,
3 and

4 “(II) during a calendar year in
5 which such corporation was an eligible
6 corporation.

7 “(B) *LIMITATION.*—The term ‘qualified
8 stock’ shall not include any stock if the employee
9 may sell such stock to, or otherwise receive cash
10 in lieu of stock from, the corporation at the time
11 that the rights of the employee in such stock first
12 become transferable or not subject to a substan-
13 tial risk of forfeiture.

14 “(C) *ELIGIBLE CORPORATION.*—For pur-
15 poses of subparagraph (A)(i)(II)—

16 “(i) *IN GENERAL.*—The term ‘eligible
17 corporation’ means, with respect to any cal-
18 endar year, any corporation if—

19 “(I) no stock of such corporation
20 (or any predecessor of such corpora-
21 tion) is readily tradable on an estab-
22 lished securities market (as determined
23 under paragraph (1)(B)(iii)) during
24 any preceding calendar year, and

1 “(II) such corporation has a writ-
2 ten plan under which, in such calendar
3 year, not less than 80 percent of all
4 employees who provide services to such
5 corporation in the United States (or
6 any possession of the United States)
7 are granted stock options, or restricted
8 stock units, with the same rights and
9 privileges to receive qualified stock.

10 “(i) SAME RIGHTS AND PRIVILEGES.—

11 For purposes of clause (i)(II)—

12 “(I) except as provided in sub-
13 clauses (II) and (III), the determina-
14 tion of rights and privileges with re-
15 spect to stock shall be made in a simi-
16 lar manner as under section 423(b)(5),

17 “(II) employees shall not fail to be
18 treated as having the same rights and
19 privileges to receive qualified stock
20 solely because the number of shares
21 available to all employees is not equal
22 in amount, so long as the number of
23 shares available to each employee is
24 more than a de minimis amount, and

1 “(III) rights and privileges with
2 respect to the exercise of an option
3 shall not be treated as the same as
4 rights and privileges with respect to
5 the settlement of a restricted stock unit.

6 “(iii) EMPLOYEE.—For purposes of
7 clause (i)(II), the term ‘employee’ shall not
8 include any employee described in section
9 4980E(d)(4) or any excluded employee.

10 “(iv) SPECIAL RULE FOR CALENDAR
11 YEARS BEFORE 2018.—In the case of any
12 calendar year beginning before January 1,
13 2018, clause (i)(II) shall be applied without
14 regard to whether the rights and privileges
15 with respect to the qualified stock are the
16 same.

17 “(3) QUALIFIED EMPLOYEE; EXCLUDED EM-
18 PLOYEE.—For purposes of this subsection—

19 “(A) IN GENERAL.—The term ‘qualified em-
20 ployee’ means any individual who—

21 “(i) is not an excluded employee, and

22 “(ii) agrees in the election made under
23 this subsection to meet such requirements as
24 are determined by the Secretary to be nec-
25 essary to ensure that the withholding re-

1 *quirements of the corporation under chapter*
2 *24 with respect to the qualified stock are*
3 *met.*

4 *“(B) EXCLUDED EMPLOYEE.—The term ‘ex-*
5 *cluded employee’ means, with respect to any cor-*
6 *poration, any individual—*

7 *“(i) who was a 1-percent owner (with-*
8 *in the meaning of section 416(i)(1)(B)(ii))*
9 *at any time during the 10 preceding cal-*
10 *endar years,*

11 *“(ii) who is or has been at any prior*
12 *time—*

13 *“(I) the chief executive officer of*
14 *such corporation or an individual act-*
15 *ing in such a capacity, or*

16 *“(II) the chief financial officer of*
17 *such corporation or an individual act-*
18 *ing in such a capacity,*

19 *“(iii) who bears a relationship de-*
20 *scribed in section 318(a)(1) to any indi-*
21 *vidual described in subclause (I) or (II) of*
22 *clause (ii), or*

23 *“(iv) who was for any of the 10 pre-*
24 *ceding taxable years one of the 4 highest*
25 *compensated officers of such corporation, de-*

1 *terminated with respect to each such taxable*
2 *year on the basis of the shareholder disclo-*
3 *sure rules for compensation under the Secu-*
4 *rities Exchange Act of 1934 (as if such rules*
5 *applied to such corporation).*

6 “(4) *ELECTION.—*

7 “(A) *TIME FOR MAKING ELECTION.—An*
8 *election with respect to qualified stock shall be*
9 *made under this subsection no later than 30*
10 *days after the first date the rights of the em-*
11 *ployee in such stock are transferable or are not*
12 *subject to a substantial risk of forfeiture, which-*
13 *ever occurs earlier, and shall be made in a man-*
14 *ner similar to the manner in which an election*
15 *is made under subsection (b).*

16 “(B) *LIMITATIONS.—No election may be*
17 *made under this section with respect to any*
18 *qualified stock if—*

19 “(i) *the qualified employee has made*
20 *an election under subsection (b) with respect*
21 *to such qualified stock,*

22 “(ii) *any stock of the corporation*
23 *which issued the qualified stock is readily*
24 *tradable on an established securities market*
25 *(as determined under paragraph*

1 (1)(B)(iii)) at any time before the election
2 is made, or

3 “(iii) such corporation purchased any
4 of its outstanding stock in the calendar year
5 preceding the calendar year which includes
6 the first date the rights of the employee in
7 such stock are transferable or are not subject
8 to a substantial risk of forfeiture, unless—

9 “(I) not less than 25 percent of
10 the total dollar amount of the stock so
11 purchased is deferral stock, and

12 “(II) the determination of which
13 individuals from whom deferral stock
14 is purchased is made on a reasonable
15 basis.

16 “(C) DEFINITIONS AND SPECIAL RULES RE-
17 LATED TO LIMITATION ON STOCK REDEMP-
18 TIONS.—

19 “(i) DEFERRAL STOCK.—For purposes
20 of this paragraph, the term ‘deferral stock’
21 means stock with respect to which an elec-
22 tion is in effect under this subsection.

23 “(ii) DEFERRAL STOCK WITH RESPECT
24 TO ANY INDIVIDUAL NOT TAKEN INTO AC-
25 COUNT IF INDIVIDUAL HOLDS DEFERRAL

1 *STOCK WITH LONGER DEFERRAL PERIOD.—*
2 *Stock purchased by a corporation from any*
3 *individual shall not be treated as deferral*
4 *stock for purposes of subparagraph (B)(iii)*
5 *if such individual (immediately after such*
6 *purchase) holds any deferral stock with re-*
7 *spect to which an election has been in effect*
8 *under this subsection for a longer period*
9 *than the election with respect to the stock so*
10 *purchased.*

11 *“(iii) PURCHASE OF ALL OUTSTANDING*
12 *DEFERRAL STOCK.—The requirements of*
13 *subclauses (I) and (II) of subparagraph*
14 *(B)(iii) shall be treated as met if the stock*
15 *so purchased includes all of the corpora-*
16 *tion’s outstanding deferral stock.*

17 *“(iv) REPORTING.—Any corporation*
18 *which has outstanding deferral stock as of*
19 *the beginning of any calendar year and*
20 *which purchases any of its outstanding*
21 *stock during such calendar year shall in-*
22 *clude on its return of tax for the taxable*
23 *year in which, or with which, such calendar*
24 *year ends the total dollar amount of its out-*
25 *standing stock so purchased during such*

1 *calendar year and such other information*
2 *as the Secretary requires for purposes of ad-*
3 *ministering this paragraph.*

4 “(5) *CONTROLLED GROUPS.*—*For purposes of*
5 *this subsection, all persons treated as a single em-*
6 *ployer under section 414(b) shall be treated as 1 cor-*
7 *poration.*

8 “(6) *NOTICE REQUIREMENT.*—*Any corporation*
9 *which transfers qualified stock to a qualified employee*
10 *shall, at the time that (or a reasonable period before)*
11 *an amount attributable to such stock would (but for*
12 *this subsection) first be includible in the gross income*
13 *of such employee—*

14 “(A) *certify to such employee that such*
15 *stock is qualified stock, and*

16 “(B) *notify such employee—*

17 “(i) *that the employee may be eligible*
18 *to elect to defer income on such stock under*
19 *this subsection, and*

20 “(ii) *that, if the employee makes such*
21 *an election—*

22 “(I) *the amount of income recog-*
23 *nized at the end of the deferral period*
24 *will be based on the value of the stock*
25 *at the time at which the rights of the*

1 employee in such stock first become
2 transferable or not subject to substan-
3 tial risk of forfeiture, notwithstanding
4 whether the value of the stock has de-
5 clined during the deferral period,

6 “(II) the amount of such income
7 recognized at the end of the deferral pe-
8 riod will be subject to withholding
9 under section 3401(i) at the rate deter-
10 mined under section 3402(t), and

11 “(III) the responsibilities of the
12 employee (as determined by the Sec-
13 retary under paragraph (3)(A)(ii))
14 with respect to such withholding.

15 “(7) *RESTRICTED STOCK UNITS.*—This section
16 (other than this subsection), including any election
17 under subsection (b), shall not apply to restricted
18 stock units.”.

19 (b) *WITHHOLDING.*—

20 (1) *TIME OF WITHHOLDING.*—Section 3401 is
21 amended by adding at the end the following new sub-
22 section:

23 “(i) *QUALIFIED STOCK FOR WHICH AN ELECTION IS*
24 *IN EFFECT UNDER SECTION 83(i).*—For purposes of sub-
25 section (a), qualified stock (as defined in section 83(i)) with

1 *respect to which an election is made under section 83(i)*
2 *shall be treated as wages—*

3 *“(1) received on the earliest date described in*
4 *section 83(i)(1)(B), and*

5 *“(2) in an amount equal to the amount included*
6 *in income under section 83 for the taxable year which*
7 *includes such date.”.*

8 *(2) AMOUNT OF WITHHOLDING.—Section 3402 is*
9 *amended by adding at the end the following new sub-*
10 *section:*

11 *“(t) RATE OF WITHHOLDING FOR CERTAIN STOCK.—*
12 *In the case of any qualified stock (as defined in section*
13 *83(i)(2)) with respect to which an election is made under*
14 *section 83(i)—*

15 *“(1) the rate of tax under subsection (a) shall*
16 *not be less than the maximum rate of tax in effect*
17 *under section 1, and*

18 *“(2) such stock shall be treated for purposes of*
19 *section 3501(b) in the same manner as a non-cash*
20 *fringe benefit.”.*

21 *(c) COORDINATION WITH OTHER DEFERRED COM-*
22 *PENSATION RULES.—*

23 *(1) ELECTION TO APPLY DEFERRAL TO STATU-*
24 *TORY OPTIONS.—*

1 (A) *INCENTIVE STOCK OPTIONS.*—Section
2 422(b) is amended by adding at the end the fol-
3 lowing: “Such term shall not include any option
4 if an election is made under section 83(i) with
5 respect to the stock received in connection with
6 the exercise of such option.”.

7 (B) *EMPLOYEE STOCK PURCHASE PLANS.*—
8 Section 423 is amended—

9 (i) by adding at the end of subsection

10 (a) the following flush sentence:

11 “The preceding sentence shall not apply to any share of
12 stock with respect to which an election is made under sec-
13 tion 83(i).”, and

14 (ii) in subsection (b)(5), by striking
15 “and” before “the plan” and by inserting “,
16 and the rules of section 83(i) shall apply in
17 determining which employees have a right
18 to make an election under such section” be-
19 fore the semicolon at the end.

20 (2) *EXCLUSION FROM DEFINITION OF NON-*
21 *QUALIFIED DEFERRED COMPENSATION PLAN.*—Sub-
22 section (d) of section 409A is amended by adding at
23 the end the following new paragraph:

24 “(7) *TREATMENT OF QUALIFIED STOCK.*—An ar-
25 rangement under which an employee may receive

1 *qualified stock (as defined in section 83(i)(2)) shall*
2 *not be treated as a nonqualified deferred compensa-*
3 *tion plan solely because of an employee’s election, or*
4 *ability to make an election, to defer recognition of in-*
5 *come under section 83(i).”.*

6 *(d) INFORMATION REPORTING.—Section 6051(a) is*
7 *amended by striking “and” at the end of paragraph*
8 *(14)(B), by striking the period at the end of paragraph (15)*
9 *and inserting a comma, and by inserting after paragraph*
10 *(15) the following new paragraphs:*

11 *“(16) the amount includible in gross income*
12 *under subparagraph (A) of section 83(i)(1) with re-*
13 *spect to an event described in subparagraph (B) of*
14 *such section which occurs in such calendar year, and*

15 *“(17) the aggregate amount of income which is*
16 *being deferred pursuant to elections under section*
17 *83(i), determined as of the close of the calendar*
18 *year.”.*

19 *(e) PENALTY FOR FAILURE OF EMPLOYER TO PRO-*
20 *VIDE NOTICE OF TAX CONSEQUENCES.—Section 6652 is*
21 *amended by adding at the end the following new subsection:*

22 *“(p) FAILURE TO PROVIDE NOTICE UNDER SECTION*
23 *83(i).—In the case of each failure to provide a notice as*
24 *required by section 83(i)(6), at the time prescribed therefor,*
25 *unless it is shown that such failure is due to reasonable*

1 *cause and not to willful neglect, there shall be paid, on no-*
2 *tice and demand of the Secretary and in the same manner*
3 *as tax, by the person failing to provide such notice, an*
4 *amount equal to \$100 for each such failure, but the total*
5 *amount imposed on such person for all such failures during*
6 *any calendar year shall not exceed \$50,000.”.*

7 (f) *EFFECTIVE DATES.—*

8 (1) *IN GENERAL.—Except as provided in para-*
9 *graph (2), the amendments made by this section shall*
10 *apply to stock attributable to options exercised, or re-*
11 *stricted stock units settled, after December 31, 2017.*

12 (2) *REQUIREMENT TO PROVIDE NOTICE.—The*
13 *amendments made by subsection (e) shall apply to*
14 *failures after December 31, 2017.*

15 (g) *TRANSITION RULE.—Until such time as the Sec-*
16 *retary (or the Secretary’s delegate) issues regulations or*
17 *other guidance for purposes of implementing the require-*
18 *ments of paragraph (2)(C)(i)(II) of section 83(i) of the In-*
19 *ternal Revenue Code of 1986 (as added by this section), or*
20 *the requirements of paragraph (6) of such section, a cor-*
21 *poration shall be treated as being in compliance with such*
22 *requirements (respectively) if such corporation complies*
23 *with a reasonable good faith interpretation of such require-*
24 *ments.*

1 **SEC. 13604. INCREASE IN EXCISE TAX RATE FOR STOCK**
2 **COMPENSATION OF INSIDERS IN EXPATRI-**
3 **ATED CORPORATIONS.**

4 (a) *IN GENERAL.*—Section 4985(a)(1) is amended by
5 striking “section 1(h)(1)(C)” and inserting “section
6 1(h)(1)(D)”.

7 (b) *EFFECTIVE DATE.*—The amendment made by this
8 section shall apply to corporations first becoming expatri-
9 ated corporations (as defined in section 4985 of the Internal
10 Revenue Code of 1986) after the date of enactment of this
11 Act.

12 **Subpart B—Retirement Plans**

13 **SEC. 13611. REPEAL OF SPECIAL RULE PERMITTING RE-**
14 **CHARACTERIZATION OF ROTH IRA CON-**
15 **TRIBUTIONS AS TRADITIONAL IRA CONTRIBU-**
16 **TIONS.**

17 (a) *IN GENERAL.*—Section 408A(d) is amended by
18 striking paragraph (6) and by redesignating paragraph (7)
19 as paragraph (6).

20 (b) *EFFECTIVE DATE.*—The amendments made by this
21 section shall apply to taxable years beginning after Decem-
22 ber 31, 2017.

1 **SEC. 13612. MODIFICATION OF RULES APPLICABLE TO**
2 **LENGTH OF SERVICE AWARD PLANS.**

3 (a) *MAXIMUM DEFERRAL AMOUNT.*—Clause (ii) of sec-
4 tion 457(e)(11)(B) is amended by striking “\$3,000” and in-
5 serting “\$6,000”.

6 (b) *COST OF LIVING ADJUSTMENT.*—Subparagraph
7 (B) of section 457(e)(11) is amended by adding at the end
8 the following:

9 “(iii) *COST OF LIVING ADJUSTMENT.*—
10 *In the case of taxable years beginning after*
11 *December 31, 2017, the Secretary shall ad-*
12 *just the \$6,000 amount under clause (ii) at*
13 *the same time and in the same manner as*
14 *under section 415(d), except that the base*
15 *period shall be the calendar quarter begin-*
16 *ning July 1, 2016, and any increase under*
17 *this paragraph that is not a multiple of*
18 *\$500 shall be rounded to the next lowest*
19 *multiple of \$500.”.*

20 (c) *APPLICATION OF LIMITATION ON ACCRUALS.*—Sub-
21 paragraph (B) of section 457(e)(11), as amended by sub-
22 section (b), is amended by adding at the end the following:

23 “(iv) *SPECIAL RULE FOR APPLICATION*
24 *OF LIMITATION ON ACCRUALS FOR CERTAIN*
25 *PLANS.*—*In the case of a plan described in*
26 *subparagraph (A)(ii) which is a defined*

1 “(B) *ROLLOVER OF CERTAIN PLAN LOAN*
2 *OFFSET AMOUNTS.*—

3 “(i) *IN GENERAL.*—*In the case of an*
4 *eligible rollover distribution of a qualified*
5 *plan loan offset amount, the requirements of*
6 *subparagraph (A) shall be treated as met if*
7 *such transfer occurs on or before the due*
8 *date (including extensions) for filing the re-*
9 *turn of tax for the taxable year in which*
10 *such amount is treated as distributed from*
11 *a qualified employer plan.*

12 “(ii) *QUALIFIED PLAN LOAN OFFSET*
13 *AMOUNT.*—*For purposes of this subpara-*
14 *graph, the term ‘qualified plan loan offset*
15 *amount’ means a plan loan offset amount*
16 *which is treated as distributed from a*
17 *qualified employer plan to a participant or*
18 *beneficiary solely by reason of—*

19 “(I) *the termination of the quali-*
20 *fied employer plan, or*

21 “(II) *the failure to meet the re-*
22 *payment terms of the loan from such*
23 *plan because of the severance from em-*
24 *ployment of the participant.*

1 “(iii) *PLAN LOAN OFFSET AMOUNT.*—
2 *For purposes of clause (ii), the term ‘plan*
3 *loan offset amount’ means the amount by*
4 *which the participant’s accrued benefit*
5 *under the plan is reduced in order to repay*
6 *a loan from the plan.*

7 “(iv) *LIMITATION.*—*This subparagraph*
8 *shall not apply to any plan loan offset*
9 *amount unless such plan loan offset amount*
10 *relates to a loan to which section 72(p)(1)*
11 *does not apply by reason of section*
12 *72(p)(2).*

13 “(v) *QUALIFIED EMPLOYER PLAN.*—
14 *For purposes of this subsection, the term*
15 *‘qualified employer plan’ has the meaning*
16 *given such term by section 72(p)(4).”.*

17 (b) *CONFORMING AMENDMENT.*—*Subparagraph (A) of*
18 *section 402(c)(3) is amended by striking “subparagraph*
19 *(B)” and inserting “subparagraphs (B) and (C)”.*

20 (c) *EFFECTIVE DATE.*—*The amendments made by this*
21 *section shall apply to plan loan offset amounts which are*
22 *treated as distributed in taxable years beginning after De-*
23 *cember 31, 2017.*

1 **PART VIII—EXEMPT ORGANIZATIONS**

2 **SEC. 13701. EXCISE TAX BASED ON INVESTMENT INCOME OF**
 3 **PRIVATE COLLEGES AND UNIVERSITIES.**

4 (a) *IN GENERAL.*—Chapter 42 is amended by adding
 5 at the end the following new subchapter:

6 **“Subchapter H—Excise Tax Based on Invest-**
 7 **ment Income of Private Colleges and Uni-**
 8 **versities**

“Sec. 4968. Excise tax based on investment income of private colleges and univer-
sities.

9 **“SEC. 4968. EXCISE TAX BASED ON INVESTMENT INCOME OF**
 10 **PRIVATE COLLEGES AND UNIVERSITIES.**

11 *“(a) TAX IMPOSED.*—There is hereby imposed on each
 12 applicable educational institution for the taxable year a tax
 13 equal to 1.4 percent of the net investment income of such
 14 institution for the taxable year.

15 *“(b) APPLICABLE EDUCATIONAL INSTITUTION.*—For
 16 purposes of this subchapter—

17 *“(1) IN GENERAL.*—The term ‘applicable edu-
 18 cational institution’ means an eligible educational in-
 19 stitution (as defined in section 25A(f)(2))—

20 *“(A) which had at least 500 tuition-paying*
 21 *students during the preceding taxable year,*

22 *“(B) which is not described in the first sen-*
 23 *tence of section 511(a)(2)(B) (relating to State*
 24 *colleges and universities), and*

1 “(C) the aggregate fair market value of the
2 assets of which at the end of the preceding tax-
3 able year (other than those assets which are used
4 directly in carrying out the institution’s exempt
5 purpose) is at least \$500,000 per student of the
6 institution.

7 “(2) STUDENTS.—For purposes of paragraph
8 (1), the number of students of an institution shall be
9 based on the daily average number of full-time stu-
10 dents attending such institution (with part-time stu-
11 dents taken into account on a full-time student equiv-
12 alent basis).

13 “(c) NET INVESTMENT INCOME.—For purposes of this
14 section, net investment income shall be determined under
15 rules similar to the rules of section 4940(c).

16 “(d) ASSETS AND NET INVESTMENT INCOME OF RE-
17 LATED ORGANIZATIONS.—

18 “(1) IN GENERAL.—For purposes of subsections
19 (b)(1)(C) and (c), assets and net investment income
20 of any related organization with respect to an edu-
21 cational institution shall be treated as assets and net
22 investment income, respectively, of the educational in-
23 stitution, except that—

1 “(A) no such amount shall be taken into ac-
2 count with respect to more than 1 educational
3 institution, and

4 “(B) unless such organization is controlled
5 by such institution or is described in section
6 509(a)(3) with respect to such institution for the
7 taxable year, assets and net investment income
8 which are not intended or available for the use
9 or benefit of the educational institution shall not
10 be taken into account.

11 “(2) *RELATED ORGANIZATION*.—For purposes of
12 this subsection, the term ‘related organization’ means,
13 with respect to an educational institution, any orga-
14 nization which—

15 “(A) controls, or is controlled by, such insti-
16 tution,

17 “(B) is controlled by 1 or more persons
18 which also control such institution, or

19 “(C) is a supported organization (as de-
20 fined in section 509(f)(3)), or an organization
21 described in section 509(a)(3), during the taxable
22 year with respect to such institution.”.

23 (b) *CLERICAL AMENDMENT*.—The table of subchapters
24 for chapter 42 is amended by adding at the end the fol-
25 lowing new item:

“SUBCHAPTER H—EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2017.*

4 **SEC. 13702. UNRELATED BUSINESS TAXABLE INCOME SEPA-**
5 **RATELY COMPUTED FOR EACH TRADE OR**
6 **BUSINESS ACTIVITY.**

7 (a) *IN GENERAL.*—*Subsection (a) of section 512 is*
8 *amended by adding at the end the following new paragraph:*

9 “(6) *SPECIAL RULE FOR ORGANIZATION WITH*
10 *MORE THAN 1 UNRELATED TRADE OR BUSINESS.*—*In*
11 *the case of any organization with more than 1 unre-*
12 *lated trade or business—*

13 “(A) *unrelated business taxable income, in-*
14 *cluding for purposes of determining any net op-*
15 *erating loss deduction, shall be computed sepa-*
16 *rately with respect to each such trade or business*
17 *and without regard to subsection (b)(12),*

18 “(B) *the unrelated business taxable income*
19 *of such organization shall be the sum of the unre-*
20 *lated business taxable income so computed with*
21 *respect to each such trade or business, less a spe-*
22 *cific deduction under subsection (b)(12), and*

23 “(C) *for purposes of subparagraph (B), un-*
24 *related business taxable income with respect to*

1 *any such trade or business shall not be less than*
2 *zero.”.*

3 **(b) EFFECTIVE DATE.—**

4 **(1) IN GENERAL.—***Except to the extent provided*
5 *in paragraph (2), the amendment made by this sec-*
6 *tion shall apply to taxable years beginning after De-*
7 *cember 31, 2017.*

8 **(2) CARRYOVERS OF NET OPERATING LOSSES.—**
9 *If any net operating loss arising in a taxable year be-*
10 *ginning before January 1, 2018, is carried over to a*
11 *taxable year beginning on or after such date—*

12 **(A)** *subparagraph (A) of section 512(a)(6)*
13 *of the Internal Revenue Code of 1986, as added*
14 *by this Act, shall not apply to such net operating*
15 *loss, and*

16 **(B)** *the unrelated business taxable income of*
17 *the organization, after the application of sub-*
18 *paragraph (B) of such section, shall be reduced*
19 *by the amount of such net operating loss.*

20 **SEC. 13703. REPEAL OF DEDUCTION FOR AMOUNTS PAID IN**
21 **EXCHANGE FOR COLLEGE ATHLETIC EVENT**
22 **SEATING RIGHTS.**

23 **(a) IN GENERAL.—***Section 170(l) is amended—*

24 **(1)** *by striking paragraph (1) and inserting the*
25 *following:*

1 “(1) *IN GENERAL.*—No deduction shall be al-
 2 lowed under this section for any amount described in
 3 paragraph (2).”, and

4 (2) in paragraph (2)(B), by striking “such
 5 amount would be allowable as a deduction under this
 6 section but for the fact that”.

7 (b) *EFFECTIVE DATE.*—The amendments made by this
 8 section shall apply to contributions made in taxable years
 9 beginning after December 31, 2017.

10 **SEC. 13704. REPEAL OF SUBSTANTIATION EXCEPTION IN**
 11 **CASE OF CONTRIBUTIONS REPORTED BY**
 12 **DONEE.**

13 (a) *IN GENERAL.*—Section 170(f)(8) is amended by
 14 striking subparagraph (D) and by redesignating subpara-
 15 graph (E) as subparagraph (D).

16 (b) *EFFECTIVE DATE.*—The amendments made by this
 17 section shall apply to contributions made in taxable years
 18 beginning after December 31, 2016.

19 **PART IX—OTHER PROVISIONS**

20 **Subpart A—Craft Beverage Modernization and Tax**
 21 **Reform**

22 **SEC. 13801. PRODUCTION PERIOD FOR BEER, WINE, AND**
 23 **DISTILLED SPIRITS.**

24 (a) *IN GENERAL.*—Section 263A(f) is amended—

1 (1) *by redesignating paragraph (4) as para-*
2 *graph (5), and*

3 (2) *by inserting after paragraph (3) the fol-*
4 *lowing new paragraph:*

5 “(4) *EXEMPTION FOR AGING PROCESS OF BEER,*
6 *WINE, AND DISTILLED SPIRITS.—*

7 “(A) *IN GENERAL.—For purposes of this*
8 *subsection, the production period shall not in-*
9 *clude the aging period for—*

10 “(i) *beer (as defined in section*
11 *5052(a)),*

12 “(ii) *wine (as described in section*
13 *5041(a)), or*

14 “(iii) *distilled spirits (as defined in*
15 *section 5002(a)(8)), except such spirits that*
16 *are unfit for use for beverage purposes.*

17 “(B) *TERMINATION.—This paragraph shall*
18 *not apply to interest costs paid or accrued after*
19 *December 31, 2019.”.*

20 (b) *CONFORMING AMENDMENT.—Paragraph (5)(B)(ii)*
21 *of section 263A(f), as redesignated by this section, is amend-*
22 *ed by inserting “except as provided in paragraph (4),” be-*
23 *fore “ending on the date”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to interest costs paid or accrued in cal-*
3 *endar years beginning after December 31, 2017.*

4 **SEC. 13802. REDUCED RATE OF EXCISE TAX ON BEER.**

5 (a) *IN GENERAL.*—*Paragraph (1) of section 5051(a)*
6 *is amended to read as follows:*

7 “(1) *IN GENERAL.*—

8 “(A) *IMPOSITION OF TAX.*—*A tax is hereby*
9 *imposed on all beer brewed or produced, and re-*
10 *moved for consumption or sale, within the*
11 *United States, or imported into the United*
12 *States. Except as provided in paragraph (2), the*
13 *rate of such tax shall be the amount determined*
14 *under this paragraph.*

15 “(B) *RATE.*—*Except as provided in sub-*
16 *paragraph (C), the rate of tax shall be \$18 for*
17 *per barrel.*

18 “(C) *SPECIAL RULE.*—*In the case of beer re-*
19 *moved after December 31, 2017, and before Jan-*
20 *uary 1, 2020, the rate of tax shall be—*

21 “(i) *\$16 on the first 6,000,000 barrels*
22 *of beer—*

23 “(I) *brewed by the brewer and re-*
24 *moved during the calendar year for*
25 *consumption or sale, or*

1 “(II) imported by the importer
2 into the United States during the cal-
3 endar year, and

4 “(ii) \$18 on any barrels of beer to
5 which clause (i) does not apply.

6 “(D) BARREL.—For purposes of this sec-
7 tion, a barrel shall contain not more than 31
8 gallons of beer, and any tax imposed under this
9 section shall be applied at a like rate for any
10 other quantity or for fractional parts of a bar-
11 rel.”.

12 (b) REDUCED RATE FOR CERTAIN DOMESTIC PRODUC-
13 TION.—Subparagraph (A) of section 5051(a)(2) is amend-
14 ed—

15 (1) in the heading, by striking “\$7 A BARREL”,
16 and

17 (2) by inserting “(\$3.50 in the case of beer re-
18 moved after December 31, 2017, and before January
19 1, 2020)” after “\$7”.

20 (c) APPLICATION OF REDUCED TAX RATE FOR FOR-
21 EIGN MANUFACTURERS AND IMPORTERS.—Subsection (a)
22 of section 5051 is amended—

23 (1) in subparagraph (C)(i)(II) of paragraph (1),
24 as amended by subsection (a), by inserting “but only
25 if the importer is an electing importer under para-

1 *graph (4) and the barrels have been assigned to the*
2 *importer pursuant to such paragraph” after “during*
3 *the calendar year”, and*

4 *(2) by adding at the end the following new para-*
5 *graph:*

6 *“(4) REDUCED TAX RATE FOR FOREIGN MANU-*
7 *FACTURERS AND IMPORTERS.—*

8 *“(A) IN GENERAL.—In the case of any bar-*
9 *rels of beer which have been brewed or produced*
10 *outside of the United States and imported into*
11 *the United States, the rate of tax applicable*
12 *under clause (i) of paragraph (1)(C) (referred to*
13 *in this paragraph as the ‘reduced tax rate’) may*
14 *be assigned by the brewer (provided that the*
15 *brewer makes an election described in subpara-*
16 *graph (B)(ii)) to any electing importer of such*
17 *barrels pursuant to the requirements established*
18 *by the Secretary under subparagraph (B).*

19 *“(B) ASSIGNMENT.—The Secretary shall,*
20 *through such rules, regulations, and procedures*
21 *as are determined appropriate, establish proce-*
22 *dures for assignment of the reduced tax rate pro-*
23 *vided under this paragraph, which shall in-*
24 *clude—*

1 “(i) a limitation to ensure that the
2 number of barrels of beer for which the re-
3 duced tax rate has been assigned by a brew-
4 er—

5 “(I) to any importer does not ex-
6 ceed the number of barrels of beer
7 brewed or produced by such brewer
8 during the calendar year which were
9 imported into the United States by
10 such importer, and

11 “(II) to all importers does not ex-
12 ceed the 6,000,000 barrels to which the
13 reduced tax rate applies,

14 “(ii) procedures that allow the election
15 of a brewer to assign and an importer to re-
16 ceive the reduced tax rate provided under
17 this paragraph,

18 “(iii) requirements that the brewer
19 provide any information as the Secretary
20 determines necessary and appropriate for
21 purposes of carrying out this paragraph,
22 and

23 “(iv) procedures that allow for revoca-
24 tion of eligibility of the brewer and the im-
25 porter for the reduced tax rate provided

1 under this paragraph in the case of any er-
2 roneous or fraudulent information provided
3 under clause (iii) which the Secretary
4 deems to be material to qualifying for such
5 reduced rate.

6 “(C) CONTROLLED GROUP.—For purposes
7 of this section, any importer making an election
8 described in subparagraph (B)(ii) shall be
9 deemed to be a member of the controlled group
10 of the brewer, as described under paragraph
11 (5).”.

12 (d) CONTROLLED GROUP AND SINGLE TAXPAYER
13 RULES.—Subsection (a) of section 5051, as amended by this
14 section, is amended—

15 (1) in paragraph (2)—

16 (A) by striking subparagraph (B), and

17 (B) by redesignating subparagraph (C) as
18 subparagraph (B), and

19 (2) by adding at the end the following new para-
20 graph:

21 “(5) CONTROLLED GROUP AND SINGLE TAXPAYER
22 RULES.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), in the case of a controlled
25 group, the 6,000,000 barrel quantity specified in

1 paragraph (1)(C)(i) and the 2,000,000 barrel
2 quantity specified in paragraph (2)(A) shall be
3 applied to the controlled group, and the
4 6,000,000 barrel quantity specified in paragraph
5 (1)(C)(i) and the 60,000 barrel quantity speci-
6 fied in paragraph (2)(A) shall be apportioned
7 among the brewers who are members of such
8 group in such manner as the Secretary or their
9 delegate shall by regulations prescribe. For pur-
10 poses of the preceding sentence, the term ‘con-
11 trolled group’ has the meaning assigned to it by
12 subsection (a) of section 1563, except that for
13 such purposes the phrase ‘more than 50 percent’
14 shall be substituted for the phrase ‘at least 80
15 percent’ in each place it appears in such sub-
16 section. Under regulations prescribed by the Sec-
17 retary, principles similar to the principles of the
18 preceding two sentences shall be applied to a
19 group of brewers under common control where
20 one or more of the brewers is not a corporation.

21 “(B) FOREIGN MANUFACTURERS AND IM-
22 PORTERS.—For purposes of paragraph (4), in
23 the case of a controlled group, the 6,000,000 bar-
24 rel quantity specified in paragraph (1)(C)(i)
25 shall be applied to the controlled group and ap-

1 portioned among the members of such group in
2 such manner as the Secretary shall by regula-
3 tions prescribe. For purposes of the preceding
4 sentence, the term ‘controlled group’ has the
5 meaning given such term under subparagraph
6 (A). Under regulations prescribed by the Sec-
7 retary, principles similar to the principles of the
8 preceding two sentences shall be applied to a
9 group of brewers under common control where
10 one or more of the brewers is not a corporation.

11 “(C) SINGLE TAXPAYER.—Pursuant to rules
12 issued by the Secretary, two or more entities
13 (whether or not under common control) that
14 produce beer marketed under a similar brand, li-
15 cense, franchise, or other arrangement shall be
16 treated as a single taxpayer for purposes of the
17 application of this subsection.”

18 (e) EFFECTIVE DATE.—The amendments made by this
19 section shall apply to beer removed after December 31, 2017.

20 **SEC. 13803. TRANSFER OF BEER BETWEEN BONDED FACILI-**
21 **TIES.**

22 (a) IN GENERAL.—Section 5414 is amended—

23 (1) by striking “Beer may be removed” and in-
24 serting “(a) IN GENERAL.—Beer may be removed”,
25 and

1 (2) *by adding at the end the following:*

2 “(b) *TRANSFER OF BEER BETWEEN BONDED FACILI-*
3 *TIES.—*

4 “(1) *IN GENERAL.—Beer may be removed from*
5 *one bonded brewery to another bonded brewery, with-*
6 *out payment of tax, and may be mingled with beer*
7 *at the receiving brewery, subject to such conditions,*
8 *including payment of the tax, and in such containers,*
9 *as the Secretary by regulations shall prescribe, which*
10 *shall include—*

11 “(A) *any removal from one brewery to an-*
12 *other brewery belonging to the same brewer,*

13 “(B) *any removal from a brewery owned by*
14 *one corporation to a brewery owned by another*
15 *corporation when—*

16 “(i) *one such corporation owns the con-*
17 *trolling interest in the other such corpora-*
18 *tion, or*

19 “(ii) *the controlling interest in each*
20 *such corporation is owned by the same per-*
21 *son or persons, and*

22 “(C) *any removal from one brewery to an-*
23 *other brewery when—*

24 “(i) *the proprietors of transferring and*
25 *receiving premises are independent of each*

1 *other and neither has a proprietary interest,*
2 *directly or indirectly, in the business of the*
3 *other, and*

4 *“(ii) the transferor has divested itself*
5 *of all interest in the beer so transferred and*
6 *the transferee has accepted responsibility for*
7 *payment of the tax.*

8 *“(2) TRANSFER OF LIABILITY FOR TAX.—For*
9 *purposes of paragraph (1)(C), such relief from liabil-*
10 *ity shall be effective from the time of removal from the*
11 *transferor’s bonded premises, or from the time of di-*
12 *vestment of interest, whichever is later.*

13 *“(3) TERMINATION.—This subsection shall not*
14 *apply to any calendar quarter beginning after Decem-*
15 *ber 31, 2019.”.*

16 *(b) REMOVAL FROM BREWERY BY PIPELINE.—Section*
17 *5412 is amended by inserting “pursuant to section 5414*
18 *or” before “by pipeline”.*

19 *(c) EFFECTIVE DATE.—The amendments made by this*
20 *section shall apply to any calendar quarters beginning after*
21 *December 31, 2017.*

22 **SEC. 13804. REDUCED RATE OF EXCISE TAX ON CERTAIN**
23 **WINE.**

24 *(a) IN GENERAL.—Section 5041(c) is amended by add-*
25 *ing at the end the following new paragraph:*

1 “(8) *SPECIAL RULE FOR 2018 AND 2019.*—

2 “(A) *IN GENERAL.*—*In the case of wine re-*
3 *moved after December 31, 2017, and before Jan-*
4 *uary 1, 2020, paragraphs (1) and (2) shall not*
5 *apply and there shall be allowed as a credit*
6 *against any tax imposed by this title (other than*
7 *chapters 2, 21, and 22) an amount equal to the*
8 *sum of—*

9 “(i) *\$1 per wine gallon on the first*
10 *30,000 wine gallons of wine, plus*

11 “(ii) *90 cents per wine gallon on the*
12 *first 100,000 wine gallons of wine to which*
13 *clause (i) does not apply, plus*

14 “(iii) *53.5 cents per wine gallon on the*
15 *first 620,000 wine gallons of wine to which*
16 *clauses (i) and (ii) do not apply,*

17 *which are produced by the producer and removed*
18 *during the calendar year for consumption or*
19 *sale, or which are imported by the importer into*
20 *the United States during the calendar year.*

21 “(B) *ADJUSTMENT OF CREDIT FOR HARD*
22 *CIDER.*—*In the case of wine described in sub-*
23 *section (b)(6), subparagraph (A) of this para-*
24 *graph shall be applied—*

1 “(i) in clause (i) of such subparagraph,
2 by substituting ‘6.2 cents’ for ‘\$1’,

3 “(ii) in clause (ii) of such subpara-
4 graph, by substituting ‘5.6 cents’ for ‘90
5 cents’, and

6 “(iii) in clause (iii) of such subpara-
7 graph, by substituting ‘3.3 cents’ for ‘53.5
8 cents.’”,

9 (b) *CONTROLLED GROUP AND SINGLE TAXPAYER*
10 *RULES.*—Paragraph (4) of section 5041(c) is amended by
11 striking “section 5051(a)(2)(B)” and inserting “section
12 5051(a)(5)”.

13 (c) *ALLOWANCE OF CREDIT FOR FOREIGN MANUFAC-*
14 *TURERS AND IMPORTERS.*—Subsection (c) of section 5041,
15 as amended by subsection (a), is amended—

16 (1) in subparagraph (A) of paragraph (8), by
17 inserting “but only if the importer is an electing im-
18 porter under paragraph (9) and the wine gallons of
19 wine have been assigned to the importer pursuant to
20 such paragraph” after “into the United States during
21 the calendar year”, and

22 (2) by adding at the end the following new para-
23 graph:

24 “(9) *ALLOWANCE OF CREDIT FOR FOREIGN MAN-*
25 *UFACTURERS AND IMPORTERS.*—

1 “(A) *IN GENERAL.*—*In the case of any wine*
2 *gallons of wine which have been produced outside*
3 *of the United States and imported into the*
4 *United States, the credit allowable under para-*
5 *graph (8) (referred to in this paragraph as the*
6 *‘tax credit’)* may be assigned by the person who
7 *produced such wine (referred to in this para-*
8 *graph as the ‘foreign producer’), provided that*
9 *such person makes an election described in sub-*
10 *paragraph (B)(ii), to any electing importer of*
11 *such wine gallons pursuant to the requirements*
12 *established by the Secretary under subparagraph*
13 *(B).*

14 “(B) *ASSIGNMENT.*—*The Secretary shall,*
15 *through such rules, regulations, and procedures*
16 *as are determined appropriate, establish proce-*
17 *dures for assignment of the tax credit provided*
18 *under this paragraph, which shall include—*

19 “(i) *a limitation to ensure that the*
20 *number of wine gallons of wine for which*
21 *the tax credit has been assigned by a foreign*
22 *producer—*

23 “(I) *to any importer does not ex-*
24 *ceed the number of wine gallons of*
25 *wine produced by such foreign pro-*

1 *ducer during the calendar year which*
2 *were imported into the United States*
3 *by such importer, and*

4 *“(II) to all importers does not ex-*
5 *ceed the 750,000 wine gallons of wine*
6 *to which the tax credit applies,*

7 *“(ii) procedures that allow the election*
8 *of a foreign producer to assign and an im-*
9 *porter to receive the tax credit provided*
10 *under this paragraph,*

11 *“(iii) requirements that the foreign*
12 *producer provide any information as the*
13 *Secretary determines necessary and appro-*
14 *priate for purposes of carrying out this*
15 *paragraph, and*

16 *“(iv) procedures that allow for revoca-*
17 *tion of eligibility of the foreign producer*
18 *and the importer for the tax credit provided*
19 *under this paragraph in the case of any er-*
20 *roneous or fraudulent information provided*
21 *under clause (iii) which the Secretary*
22 *deems to be material to qualifying for such*
23 *credit.*

24 *“(C) CONTROLLED GROUP.—For purposes*
25 *of this section, any importer making an election*

1 described in subparagraph (B)(ii) shall be
2 deemed to be a member of the controlled group
3 of the foreign producer, as described under para-
4 graph (4).”.

5 (d) *EFFECTIVE DATE.*—The amendments made by this
6 section shall apply to wine removed after December 31,
7 2017.

8 **SEC. 13805. ADJUSTMENT OF ALCOHOL CONTENT LEVEL**
9 **FOR APPLICATION OF EXCISE TAX RATES.**

10 (a) *IN GENERAL.*—Paragraphs (1) and (2) of section
11 5041(b) are each amended by inserting “(16 percent in the
12 case of wine removed after December 31, 2017, and before
13 January 1, 2020” after “14 percent”.

14 (b) *EFFECTIVE DATE.*—The amendments made by this
15 section shall apply to wine removed after December 31,
16 2017.

17 **SEC. 13806. DEFINITION OF MEAD AND LOW ALCOHOL BY**
18 **VOLUME WINE.**

19 (a) *IN GENERAL.*—Section 5041 is amended—

20 (1) in subsection (a), by striking “Still wines”
21 and inserting “Subject to subsection (h), still wines”,
22 and

23 (2) by adding at the end the following new sub-
24 section:

25 “(h) *MEAD AND LOW ALCOHOL BY VOLUME WINE.*—

1 “(1) *IN GENERAL.*—*For purposes of subsections*
2 *(a) and (b)(1), mead and low alcohol by volume wine*
3 *shall be deemed to be still wines containing not more*
4 *than 16 percent of alcohol by volume.*

5 “(2) *DEFINITIONS.*—

6 “(A) *MEAD.*—*For purposes of this section,*
7 *the term ‘mead’ means a wine—*

8 “(i) *containing not more than 0.64*
9 *gram of carbon dioxide per hundred milli-*
10 *liters of wine, except that the Secretary*
11 *shall by regulations prescribe such toler-*
12 *ances to this limitation as may be reason-*
13 *ably necessary in good commercial practice,*

14 “(ii) *which is derived solely from*
15 *honey and water,*

16 “(iii) *which contains no fruit product*
17 *or fruit flavoring, and*

18 “(iv) *which contains less than 8.5 per-*
19 *cent alcohol by volume.*

20 “(B) *LOW ALCOHOL BY VOLUME WINE.*—
21 *For purposes of this section, the term ‘low alco-*
22 *hol by volume wine’ means a wine—*

23 “(i) *containing not more than 0.64*
24 *gram of carbon dioxide per hundred milli-*
25 *liters of wine, except that the Secretary*

1 *shall by regulations prescribe such toler-*
2 *ances to this limitation as may be reason-*
3 *ably necessary in good commercial practice,*

4 “(i) *which is derived—*

5 “(I) *primarily from grapes, or*

6 “(II) *from grape juice concentrate*
7 *and water,*

8 “(iii) *which contains no fruit product*
9 *or fruit flavoring other than grape, and*

10 “(iv) *which contains less than 8.5 per-*
11 *cent alcohol by volume.*

12 “(3) *TERMINATION.—This subsection shall not*
13 *apply to wine removed after December 31, 2019.”.*

14 “(b) *EFFECTIVE DATE.—The amendments made by this*
15 *section shall apply to wine removed after December 31,*
16 *2017.*

17 **SEC. 13807. REDUCED RATE OF EXCISE TAX ON CERTAIN**
18 **DISTILLED SPIRITS.**

19 “(a) *IN GENERAL.—Section 5001 is amended by redес-*
20 *ignating subsection (c) as subsection (d) and by inserting*
21 *after subsection (b) the following new subsection:*

22 “(c) *REDUCED RATE FOR 2018 AND 2019.—*

23 “(1) *IN GENERAL.—In the case of a distilled*
24 *spirits operation, the otherwise applicable tax rate*
25 *under subsection (a)(1) shall be—*

1 “(A) \$2.70 per proof gallon on the first
2 100,000 proof gallons of distilled spirits, and

3 “(B) \$13.34 per proof gallon on the first
4 22,130,000 of proof gallons of distilled spirits to
5 which subparagraph (A) does not apply,

6 which have been distilled or processed by such oper-
7 ation and removed during the calendar year for con-
8 sumption or sale, or which have been imported by the
9 importer into the United States during the calendar
10 year.

11 “(2) CONTROLLED GROUPS.—

12 “(A) IN GENERAL.—In the case of a con-
13 trolled group, the proof gallon quantities speci-
14 fied under subparagraphs (A) and (B) of para-
15 graph (1) shall be applied to such group and ap-
16 portioned among the members of such group in
17 such manner as the Secretary or their delegate
18 shall by regulations prescribe.

19 “(B) DEFINITION.—For purposes of sub-
20 paragraph (A), the term ‘controlled group’ shall
21 have the meaning given such term by subsection
22 (a) of section 1563, except that ‘more than 50
23 percent’ shall be substituted for ‘at least 80 per-
24 cent’ each place it appears in such subsection.

1 “(C) *RULES FOR NON-CORPORATIONS.*—
2 *Under regulations prescribed by the Secretary,*
3 *principles similar to the principles of subpara-*
4 *graphs (A) and (B) shall be applied to a group*
5 *under common control where one or more of the*
6 *persons is not a corporation.*

7 “(D) *SINGLE TAXPAYER.*—*Pursuant to rules*
8 *issued by the Secretary, two or more entities*
9 *(whether or not under common control) that*
10 *produce distilled spirits marketed under a simi-*
11 *lar brand, license, franchise, or other arrange-*
12 *ment shall be treated as a single taxpayer for*
13 *purposes of the application of this subsection.*

14 “(3) *TERMINATION.*—*This subsection shall not*
15 *apply to distilled spirits removed after December 31,*
16 *2019.”.*

17 “(b) *CONFORMING AMENDMENT.*—*Section 7652(f)(2) is*
18 *amended by striking “section 5001(a)(1)” and inserting*
19 *“subsection (a)(1) of section 5001, determined as if sub-*
20 *section (c)(1) of such section did not apply”.*

21 “(c) *APPLICATION OF REDUCED TAX RATE FOR FOR-*
22 *EIGN MANUFACTURERS AND IMPORTERS.*—*Subsection (c) of*
23 *section 5001, as added by subsection (a), is amended—*

24 (1) *in paragraph (1), by inserting “but only if*
25 *the importer is an electing importer under paragraph*

1 (3) and the proof gallons of distilled spirits have been
2 assigned to the importer pursuant to such paragraph”
3 after “into the United States during the calendar
4 year”, and

5 (2) by redesignating paragraph (3) as para-
6 graph (4) and by inserting after paragraph (2) the
7 following new paragraph:

8 “(3) *REDUCED TAX RATE FOR FOREIGN MANU-
9 FACTURERS AND IMPORTERS.*—

10 “(A) *IN GENERAL.*—In the case of any proof
11 gallons of distilled spirits which have been pro-
12 duced outside of the United States and imported
13 into the United States, the rate of tax applicable
14 under paragraph (1) (referred to in this para-
15 graph as the ‘reduced tax rate’) may be assigned
16 by the distilled sprits operation (provided that
17 such operation makes an election described in
18 subparagraph (B)(ii)) to any electing importer
19 of such proof gallons pursuant to the require-
20 ments established by the Secretary under sub-
21 paragraph (B).

22 “(B) *ASSIGNMENT.*—The Secretary shall,
23 through such rules, regulations, and procedures
24 as are determined appropriate, establish proce-
25 dures for assignment of the reduced tax rate pro-

1 *vided under this paragraph, which shall in-*
2 *clude—*

3 *“(i) a limitation to ensure that the*
4 *number of proof gallons of distilled spirits*
5 *for which the reduced tax rate has been as-*
6 *signed by a distilled spirits operation—*

7 *“(I) to any importer does not ex-*
8 *ceed the number of proof gallons pro-*
9 *duced by such operation during the*
10 *calendar year which were imported*
11 *into the United States by such im-*
12 *porter, and*

13 *“(II) to all importers does not ex-*
14 *ceed the 22,230,000 proof gallons of*
15 *distilled spirits to which the reduced*
16 *tax rate applies,*

17 *“(ii) procedures that allow the election*
18 *of a distilled spirits operation to assign and*
19 *an importer to receive the reduced tax rate*
20 *provided under this paragraph,*

21 *“(iii) requirements that the distilled*
22 *spirits operation provide any information*
23 *as the Secretary determines necessary and*
24 *appropriate for purposes of carrying out*
25 *this paragraph, and*

1 “(iv) procedures that allow for revoca-
2 tion of eligibility of the distilled spirits op-
3 eration and the importer for the reduced tax
4 rate provided under this paragraph in the
5 case of any erroneous or fraudulent infor-
6 mation provided under clause (iii) which
7 the Secretary deems to be material to quali-
8 fying for such reduced rate.

9 “(C) CONTROLLED GROUP.—

10 “(i) IN GENERAL.—For purposes of
11 this section, any importer making an elec-
12 tion described in subparagraph (B)(ii) shall
13 be deemed to be a member of the controlled
14 group of the distilled spirits operation, as
15 described under paragraph (2).

16 “(ii) APPORTIONMENT.—For purposes
17 of this paragraph, in the case of a con-
18 trolled group, rules similar to section
19 5051(a)(5)(B) shall apply.”.

20 (d) EFFECTIVE DATE.—The amendments made by this
21 section shall apply to distilled spirits removed after Decem-
22 ber 31, 2017.

23 **SEC. 13808. BULK DISTILLED SPIRITS.**

24 (a) IN GENERAL.—Section 5212 is amended by adding
25 at the end the following sentence: “In the case of distilled

1 *spirits transferred in bond after December 31, 2017, and*
 2 *before January 1, 2020, this section shall be applied with-*
 3 *out regard to whether distilled spirits are bulk distilled*
 4 *spirits.”.*

5 (b) *EFFECTIVE DATE.*—*The amendments made by this*
 6 *section shall apply distilled spirits transferred in bond after*
 7 *December 31, 2017.*

8 ***Subpart B—Miscellaneous Provisions***

9 ***SEC. 13821. MODIFICATION OF TAX TREATMENT OF ALASKA***
 10 ***NATIVE CORPORATIONS AND SETTLEMENT***
 11 ***TRUSTS.***

12 (a) *EXCLUSION FOR ANCSA PAYMENTS ASSIGNED TO*
 13 *ALASKA NATIVE SETTLEMENT TRUSTS.*—

14 (1) *IN GENERAL.*—*Part III of subchapter B of*
 15 *chapter 1 is amended by inserting before section 140*
 16 *the following new section:*

17 ***“SEC. 139G. ASSIGNMENTS TO ALASKA NATIVE SETTLE-***
 18 ***MENT TRUSTS.***

19 *“(a) IN GENERAL.—In the case of a Native Corpora-*
 20 *tion, gross income shall not include the value of any pay-*
 21 *ments that would otherwise be made, or treated as being*
 22 *made, to such Native Corporation pursuant to, or as re-*
 23 *quired by, any provision of the Alaska Native Claims Set-*
 24 *tlement Act (43 U.S.C. 1601 et seq.), including any pay-*
 25 *ment that would otherwise be made to a Village Corporation*

1 pursuant to section 7(j) of the Alaska Native Claims Settle-
2 ment Act (43 U.S.C. 1606(j)), provided that any such pay-
3 ments—

4 “(1) are assigned in writing to a Settlement
5 Trust, and

6 “(2) were not received by such Native Corpora-
7 tion prior to the assignment described in paragraph
8 (1).

9 “(b) *INCLUSION IN GROSS INCOME.*—In the case of a
10 Settlement Trust which has been assigned payments de-
11 scribed in subsection (a), gross income shall include such
12 payments when received by such Settlement Trust pursuant
13 to the assignment and shall have the same character as if
14 such payments were received by the Native Corporation.

15 “(c) *AMOUNT AND SCOPE OF ASSIGNMENT.*—The
16 amount and scope of any assignment under subsection (a)
17 shall be described with reasonable particularity and may
18 either be in a percentage of one or more such payments or
19 in a fixed dollar amount.

20 “(d) *DURATION OF ASSIGNMENT; REVOCABILITY.*—
21 Any assignment under subsection (a) shall specify—

22 “(1) a duration either in perpetuity or for a pe-
23 riod of time, and

24 “(2) whether such assignment is revocable.

1 “(e) *PROHIBITION ON DEDUCTION.*—Notwithstanding
2 *section 247, no deduction shall be allowed to a Native Cor-*
3 *poration for purposes of any amounts described in sub-*
4 *section (a).*”

5 “(f) *DEFINITIONS.*—For purposes of this section, the
6 *terms ‘Native Corporation’ and ‘Settlement Trust’ have the*
7 *same meaning given such terms under section 646(h).”.*”

8 (2) *CONFORMING AMENDMENT.*—The table of sec-
9 *tions for part III of subchapter B of chapter 1 is*
10 *amended by inserting before the item relating to sec-*
11 *tion 140 the following new item:*

“*Sec. 139G. Assignments to Alaska Native Settlement Trusts.*”.

12 (3) *EFFECTIVE DATE.*—The amendments made
13 *by this subsection shall apply to taxable years begin-*
14 *ning after December 31, 2016.*

15 (b) *DEDUCTION OF CONTRIBUTIONS TO ALASKA NA-*
16 *TIVE SETTLEMENT TRUSTS.*—

17 (1) *IN GENERAL.*—Part VIII of subchapter B of
18 *chapter 1 is amended by inserting before section 248*
19 *the following new section:*

20 **“SEC. 247. CONTRIBUTIONS TO ALASKA NATIVE SETTLE-**
21 **MENT TRUSTS.**

22 “(a) *IN GENERAL.*—In the case of a Native Corpora-
23 *tion, there shall be allowed a deduction for any contribu-*
24 *tions made by such Native Corporation to a Settlement*
25 *Trust (regardless of whether an election under section 646*

1 *is in effect for such Settlement Trust) for which the Native*
2 *Corporation has made an annual election under subsection*
3 *(e).*

4 “(b) *AMOUNT OF DEDUCTION.*—*The amount of the de-*
5 *duction under subsection (a) shall be equal to—*

6 “(1) *in the case of a cash contribution (regard-*
7 *less of the method of payment, including currency,*
8 *coins, money order, or check), the amount of such con-*
9 *tribution, or*

10 “(2) *in the case of a contribution not described*
11 *in paragraph (1), the lesser of—*

12 “(A) *the Native Corporation’s adjusted basis*
13 *in the property contributed, or*

14 “(B) *the fair market value of the property*
15 *contributed.*

16 “(c) *LIMITATION AND CARRYOVER.*—

17 “(1) *IN GENERAL.*—*Subject to paragraph (2), the*
18 *deduction allowed under subsection (a) for any tax-*
19 *able year shall not exceed the taxable income (as de-*
20 *termined without regard to such deduction) of the Na-*
21 *tive Corporation for the taxable year in which the*
22 *contribution was made.*

23 “(2) *CARRYOVER.*—*If the aggregate amount of*
24 *contributions described in subsection (a) for any tax-*
25 *able year exceeds the limitation under paragraph (1),*

1 *such excess shall be treated as a contribution described*
2 *in subsection (a) in each of the 15 succeeding years*
3 *in order of time.*

4 “(d) *DEFINITIONS.*—*For purposes of this section, the*
5 *terms ‘Native Corporation’ and ‘Settlement Trust’ have the*
6 *same meaning given such terms under section 646(h).*

7 “(e) *MANNER OF MAKING ELECTION.*—

8 “(1) *IN GENERAL.*—*For each taxable year, a Na-*
9 *tive Corporation may elect to have this section apply*
10 *for such taxable year on the income tax return or an*
11 *amendment or supplement to the return of the Native*
12 *Corporation, with such election to have effect solely*
13 *for such taxable year.*

14 “(2) *REVOCAION.*—*Any election made by a Na-*
15 *tive Corporation pursuant to this subsection may be*
16 *revoked pursuant to a timely filed amendment or sup-*
17 *plement to the income tax return of such Native Cor-*
18 *poration.*

19 “(f) *ADDITIONAL RULES.*—

20 “(1) *EARNINGS AND PROFITS.*—*Notwithstanding*
21 *section 646(d)(2), in the case of a Native Corporation*
22 *which claims a deduction under this section for any*
23 *taxable year, the earnings and profits of such Native*
24 *Corporation for such taxable year shall be reduced by*
25 *the amount of such deduction.*

1 “(2) *GAIN OR LOSS.*—No gain or loss shall be
2 *recognized by the Native Corporation with respect to*
3 *a contribution of property for which a deduction is*
4 *allowed under this section.*

5 “(3) *INCOME.*—Subject to subsection (g), a *Set-*
6 *tlement Trust shall include in income the amount of*
7 *any deduction allowed under this section in the tax-*
8 *able year in which the Settlement Trust actually re-*
9 *ceives such contribution.*

10 “(4) *PERIOD.*—The holding period under section
11 1223 of the Settlement Trust shall include the period
12 the property was held by the Native Corporation.

13 “(5) *BASIS.*—The basis that a Settlement Trust
14 has for which a deduction is allowed under this sec-
15 tion shall be equal to the lesser of—

16 “(A) the adjusted basis of the Native Cor-
17 poration in such property immediately before
18 such contribution, or

19 “(B) the fair market value of the property
20 immediately before such contribution.

21 “(6) *PROHIBITION.*—No deduction shall be al-
22 lowed under this section with respect to any contribu-
23 tions made to a Settlement Trust which are in viola-
24 tion of subsection (a)(2) or (c)(2) of section 39 of the

1 *Alaska Native Claims Settlement Act (43 U.S.C.*
2 *1629e).*

3 “(g) *ELECTION BY SETTLEMENT TRUST TO DEFER IN-*
4 *COME RECOGNITION.*—

5 “(1) *IN GENERAL.*—*In the case of a contribution*
6 *which consists of property other than cash, a Settle-*
7 *ment Trust may elect to defer recognition of any in-*
8 *come related to such property until the sale or ex-*
9 *change of such property, in whole or in part, by the*
10 *Settlement Trust.*

11 “(2) *TREATMENT.*—*In the case of property de-*
12 *scribed in paragraph (1), any income or gain realized*
13 *on the sale or exchange of such property shall be*
14 *treated as—*

15 “(A) *for such amount of the income or gain*
16 *as is equal to or less than the amount of income*
17 *which would be included in income at the time*
18 *of contribution under subsection (f)(3) but for the*
19 *taxpayer’s election under this subsection, ordi-*
20 *nary income, and*

21 “(B) *for any amounts of the income or gain*
22 *which are in excess of the amount of income*
23 *which would be included in income at the time*
24 *of contribution under subsection (f)(3) but for the*
25 *taxpayer’s election under this subsection, having*

1 *the same character as if this subsection did not*
2 *apply.*

3 “(3) *ELECTION.*—

4 “(A) *IN GENERAL.*—*For each taxable year,*
5 *a Settlement Trust may elect to apply this sub-*
6 *section for any property described in paragraph*
7 *(1) which was contributed during such year. Any*
8 *property to which the election applies shall be*
9 *identified and described with reasonable particu-*
10 *larity on the income tax return or an amend-*
11 *ment or supplement to the return of the Settle-*
12 *ment Trust, with such election to have effect sole-*
13 *ly for such taxable year.*

14 “(B) *REVOCATION.*—*Any election made by*
15 *a Settlement Trust pursuant to this subsection*
16 *may be revoked pursuant to a timely filed*
17 *amendment or supplement to the income tax re-*
18 *turn of such Settlement Trust.*

19 “(C) *CERTAIN DISPOSITIONS.*—

20 “(i) *IN GENERAL.*—*In the case of any*
21 *property for which an election is in effect*
22 *under this subsection and which is disposed*
23 *of within the first taxable year subsequent*
24 *to the taxable year in which such property*
25 *was contributed to the Settlement Trust—*

1 “(I) this section shall be applied
2 as if the election under this subsection
3 had not been made,

4 “(II) any income or gain which
5 would have been included in the year
6 of contribution under subsection (f)(3)
7 but for the taxpayer’s election under
8 this subsection shall be included in in-
9 come for the taxable year of such con-
10 tribution, and

11 “(III) the Settlement Trust shall
12 pay any increase in tax resulting from
13 such inclusion, including any applica-
14 ble interest, and increased by 10 per-
15 cent of the amount of such increase
16 with interest.

17 “(ii) ASSESSMENT.—Notwithstanding
18 section 6501(a), any amount described in
19 subclause (III) of clause (i) may be assessed,
20 or a proceeding in court with respect to
21 such amount may be initiated without as-
22 sessment, within 4 years after the date on
23 which the return making the election under
24 this subsection for such property was filed.”.

1 (2) *CONFORMING AMENDMENT.*—*The table of sec-*
2 *tions for part VIII of subchapter B of chapter 1 is*
3 *amended by inserting before the item relating to sec-*
4 *tion 248 the following new item:*

“*Sec. 247. Contributions to Alaska Native Settlement Trusts.*”.

5 (3) *EFFECTIVE DATE.*—

6 (A) *IN GENERAL.*—*The amendments made*
7 *by this subsection shall apply to taxable years*
8 *for which the period of limitation on refund or*
9 *credit under section 6511 of the Internal Rev-*
10 *enue Code of 1986 has not expired.*

11 (B) *ONE-YEAR WAIVER OF STATUTE OF LIM-*
12 *ITATIONS.*—*If the period of limitation on a cred-*
13 *it or refund resulting from the amendments*
14 *made by paragraph (1) expires before the end of*
15 *the 1-year period beginning on the date of the*
16 *enactment of this Act, refund or credit of such*
17 *overpayment (to the extent attributable to such*
18 *amendments) may, nevertheless, be made or al-*
19 *lowed if claim therefor is filed before the close of*
20 *such 1-year period.*

21 (c) *INFORMATION REPORTING FOR DEDUCTIBLE CON-*
22 *TRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.*—

23 (1) *IN GENERAL.*—*Section 6039H is amended—*

24 (A) *in the heading, by striking “SPON-*
25 *SORING”, and*

1 (B) by adding at the end the following new
2 subsection:

3 “(e) *DEDUCTIBLE CONTRIBUTIONS BY NATIVE COR-*
4 *PORATIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.—*

5 “(1) *IN GENERAL.—Any Native Corporation (as*
6 *defined in subsection (m) of section 3 of the Alaska*
7 *Native Claims Settlement Act (43 U.S.C. 1602(m))*
8 *which has made a contribution to a Settlement Trust*
9 *(as defined in subsection (t) of such section) to which*
10 *an election under subsection (e) of section 247 applies*
11 *shall provide such Settlement Trust with a statement*
12 *regarding such election not later than January 31 of*
13 *the calendar year subsequent to the calendar year in*
14 *which the contribution was made.*

15 “(2) *CONTENT OF STATEMENT.—The statement*
16 *described in paragraph (1) shall include—*

17 “(A) *the total amount of contributions to*
18 *which the election under subsection (e) of section*
19 *247 applies,*

20 “(B) *for each contribution, whether such*
21 *contribution was in cash,*

22 “(C) *for each contribution which consists of*
23 *property other than cash, the date that such*
24 *property was acquired by the Native Corporation*
25 *and the adjusted basis and fair market value of*

1 *such property on the date such property was con-*
2 *tributed to the Settlement Trust,*

3 “(D) *the date on which each contribution*
4 *was made to the Settlement Trust, and*

5 “(E) *such information as the Secretary de-*
6 *termines to be necessary or appropriate for the*
7 *identification of each contribution and the accu-*
8 *rate inclusion of income relating to such con-*
9 *tributions by the Settlement Trust.”.*

10 (2) *CONFORMING AMENDMENT.—The item relat-*
11 *ing to section 6039H in the table of sections for sub-*
12 *part A of part III of subchapter A of chapter 61 is*
13 *amended to read as follows:*

 “*Sec. 6039H. Information With Respect to Alaska Native Settlement Trusts and*
 Native Corporations.”.

14 (3) *EFFECTIVE DATE.—The amendments made*
15 *by this subsection shall apply to taxable years begin-*
16 *ning after December 31, 2016.*

17 **SEC. 13822. AMOUNTS PAID FOR AIRCRAFT MANAGEMENT**
18 **SERVICES.**

19 (a) *IN GENERAL.—Subsection (e) of section 4261 is*
20 *amended by adding at the end the following new paragraph:*

21 “(5) *AMOUNTS PAID FOR AIRCRAFT MANAGE-*
22 *MENT SERVICES.—*

23 “(A) *IN GENERAL.—No tax shall be imposed*
24 *by this section or section 4271 on any amounts*

1 *paid by an aircraft owner for aircraft manage-*
2 *ment services related to—*

3 “(i) *maintenance and support of the*
4 *aircraft owner’s aircraft, or*

5 “(ii) *flights on the aircraft owner’s air-*
6 *craft.*

7 “(B) *AIRCRAFT MANAGEMENT SERVICES.—*
8 *For purposes of subparagraph (A), the term ‘air-*
9 *craft management services’ includes—*

10 “(i) *assisting an aircraft owner with*
11 *administrative and support services, such*
12 *as scheduling, flight planning, and weather*
13 *forecasting,*

14 “(ii) *obtaining insurance,*

15 “(iii) *maintenance, storage and fueling*
16 *of aircraft,*

17 “(iv) *hiring, training, and provision of*
18 *pilots and crew,*

19 “(v) *establishing and complying with*
20 *safety standards, and*

21 “(vi) *such other services as are nec-*
22 *essary to support flights operated by an air-*
23 *craft owner.*

24 “(C) *LESSEE TREATED AS AIRCRAFT*
25 *OWNER.—*

1 “(i) *IN GENERAL.*—For purposes of
2 this paragraph, the term ‘aircraft owner’
3 includes a person who leases the aircraft
4 other than under a disqualified lease.

5 “(ii) *DISQUALIFIED LEASE.*—For pur-
6 poses of clause (i), the term ‘disqualified
7 lease’ means a lease from a person pro-
8 viding aircraft management services with
9 respect to such aircraft (or a related person
10 (within the meaning of section
11 465(b)(3)(C)) to the person providing such
12 services), if such lease is for a term of 31
13 days or less.

14 “(D) *PRO RATA ALLOCATION.*—In the case
15 of amounts paid to any person which (but for
16 this subsection) are subject to the tax imposed by
17 subsection (a), a portion of which consists of
18 amounts described in subparagraph (A), this
19 paragraph shall apply on a pro rata basis only
20 to the portion which consists of amounts de-
21 scribed in such subparagraph.”.

22 (b) *EFFECTIVE DATE.*—The amendment made by this
23 section shall apply to amounts paid after the date of the
24 enactment of this Act.

1 **SEC. 13823. OPPORTUNITY ZONES.**

2 (a) *IN GENERAL.*—Chapter 1 is amended by adding
3 at the end the following:

4 **“Subchapter Z—Opportunity Zones**

“Sec. 1400Z-1. Designation.

“Sec. 1400Z-2. Special rules for capital gains invested in opportunity zones.

5 **“SEC. 1400Z-1. DESIGNATION.**

6 “(a) *QUALIFIED OPPORTUNITY ZONE DEFINED.*—For
7 the purposes of this subchapter, the term ‘qualified oppor-
8 tunity zone’ means a population census tract that is a low-
9 income community that is designated as a qualified oppor-
10 tunity zone.

11 “(b) *DESIGNATION.*—

12 “(1) *IN GENERAL.*—For purposes of subsection
13 (a), a population census tract that is a low-income
14 community is designated as a qualified opportunity
15 zone if—

16 “(A) not later than the end of the deter-
17 mination period, the governor of the State in
18 which the tract is located—

19 “(i) nominates the tract for designa-
20 tion as a qualified opportunity zone, and

21 “(ii) notifies the Secretary in writing
22 of such nomination, and

23 “(B) the Secretary certifies such nomina-
24 tion and designates such tract as a qualified op-

1 *portunity zone before the end of the consideration*
2 *period.*

3 “(2) *EXTENSION OF PERIODS.*—*A governor may*
4 *request that the Secretary extend either the deter-*
5 *mination or consideration period, or both (determined*
6 *without regard to this subparagraph), for an addi-*
7 *tional 30 days.*

8 “(c) *OTHER DEFINITIONS.*—*For purposes of this sub-*
9 *section—*

10 “(1) *LOW-INCOME COMMUNITIES.*—*The term*
11 *‘low-income community’ has the same meaning as*
12 *when used in section 45D(e).*

13 “(2) *DEFINITION OF PERIODS.*—

14 “(A) *CONSIDERATION PERIOD.*—*The term*
15 *‘consideration period’ means the 30-day period*
16 *beginning on the date on which the Secretary re-*
17 *ceives notice under subsection (b)(1)(A)(ii), as*
18 *extended under subsection (b)(2).*

19 “(B) *DETERMINATION PERIOD.*—*The term*
20 *‘determination period’ means the 90-day period*
21 *beginning on the date of the enactment of the*
22 *Tax Cuts and Jobs Act, as extended under sub-*
23 *section (b)(2).*

1 “(3) *STATE.*—*For purposes of this section, the*
2 *term ‘State’ includes any possession of the United*
3 *States.*

4 “(d) *NUMBER OF DESIGNATIONS.*—

5 “(1) *IN GENERAL.*—*Except as provided by para-*
6 *graph (2), the number of population census tracts in*
7 *a State that may be designated as qualified oppor-*
8 *tunity zones under this section may not exceed 25*
9 *percent of the number of low-income communities in*
10 *the State.*

11 “(2) *EXCEPTION.*—*If the number of low-income*
12 *communities in a State is less than 100, then a total*
13 *of 25 of such tracts may be designated as qualified*
14 *opportunity zones.*

15 “(e) *DESIGNATION OF TRACTS CONTIGUOUS WITH*
16 *LOW-INCOME COMMUNITIES.*—

17 “(1) *IN GENERAL.*—*A population census tract*
18 *that is not a low-income community may be des-*
19 *ignated as a qualified opportunity zone under this*
20 *section if—*

21 “(A) *the tract is contiguous with the low-in-*
22 *come community that is designated as a quali-*
23 *fied opportunity zone, and*

24 “(B) *the median family income of the tract*
25 *does not exceed 125 percent of the median family*

1 *income of the low-income community with which*
2 *the tract is contiguous.*

3 “(2) *LIMITATION.*—*Not more than 5 percent of*
4 *the population census tracts designated in a State as*
5 *a qualified opportunity zone may be designated under*
6 *paragraph (1).*

7 “(f) *PERIOD FOR WHICH DESIGNATION IS IN EF-*
8 *FECT.*—*A designation as a qualified opportunity zone shall*
9 *remain in effect for the period beginning on the date of the*
10 *designation and ending at the close of the 10th calendar*
11 *year beginning on or after such date of designation.*

12 **“SEC. 1400Z-2. SPECIAL RULES FOR CAPITAL GAINS IN-**
13 **VESTED IN OPPORTUNITY ZONES.**

14 “(a) *IN GENERAL.*—*In the case of gain from the sale*
15 *to, or exchange with, an unrelated person of any property*
16 *held by the taxpayer, at the election of the taxpayer—*

17 “(1) *gross income for the taxable year shall not*
18 *include so much of such gain as does not exceed the*
19 *aggregate amount invested by the taxpayer in a*
20 *qualified opportunity fund during the 180-day period*
21 *beginning on the date of such sale or exchange,*

22 “(2) *the amount of gain excluded by paragraph*
23 *(1) shall be included in gross income as provided by*
24 *subsection (b), and*

25 “(3) *subsection (c) shall apply.*

1 *No election may be made under the preceding sentence with*
2 *respect to a sale or exchange if an election previously made*
3 *with respect to such sale or exchange is in effect.*

4 “(b) *DEFERRAL OF GAIN INVESTED IN OPPORTUNITY*
5 *ZONE PROPERTY.*—

6 “(1) *YEAR OF INCLUSION.*—*Gain to which sub-*
7 *section (a)(2) applies shall be included in income in*
8 *the taxable year which includes the earlier of—*

9 “(A) *the date on which such investment is*
10 *sold or exchanged, or*

11 “(B) *December 31, 2026.*

12 “(2) *AMOUNT INCLUDIBLE.*—

13 “(A) *IN GENERAL.*—*The amount of gain in-*
14 *cluded in gross income under subsection (a)(1)*
15 *shall be the excess of—*

16 “(i) *the lesser of the amount of gain ex-*
17 *cluded under paragraph (1) or the fair*
18 *market value of the property as determined*
19 *as of the date described in paragraph (1),*
20 *over*

21 “(ii) *the taxpayer’s basis in the invest-*
22 *ment.*

23 “(B) *DETERMINATION OF BASIS.*—

24 “(i) *IN GENERAL.*—*Except as otherwise*
25 *provided in this clause or subsection (c), the*

1 taxpayer's basis in the investment shall be
2 zero.

3 “(ii) *INCREASE FOR GAIN RECOGNIZED*
4 *UNDER SUBSECTION (a)(2).*—The basis in
5 the investment shall be increased by the
6 amount of gain recognized by reason of sub-
7 section (a)(2) with respect to such property.

8 “(iii) *INVESTMENTS HELD FOR 5*
9 *YEARS.*—In the case of any investment held
10 for at least 5 years, the basis of such invest-
11 ment shall be increased by an amount equal
12 to 10 percent of the amount of gain deferred
13 by reason of subsection (a)(1).

14 “(iv) *INVESTMENTS HELD FOR 7*
15 *YEARS.*—In the case of any investment held
16 by the taxpayer for at least 7 years, in ad-
17 dition to any adjustment made under clause
18 (iii), the basis of such property shall be in-
19 creased by an amount equal to 5 percent of
20 the amount of gain deferred by reason of
21 subsection (a)(1).

22 “(c) *SPECIAL RULE FOR INVESTMENTS HELD FOR AT*
23 *LEAST 10 YEARS.*—In the case of any investment held by
24 the taxpayer for at least 10 years and with respect to which
25 the taxpayer makes an election under this clause, the basis

1 of such property shall be equal to the fair market value of
2 such investment on the date that the investment is sold or
3 exchanged.

4 “(d) *QUALIFIED OPPORTUNITY FUND.*—For purposes
5 of this section—

6 “(1) *QUALIFIED OPPORTUNITY FUND.*—The term
7 ‘qualified opportunity fund’ means any investment
8 vehicle which is organized as a corporation or a part-
9 nership for the purpose of investing in qualified op-
10 portunity zone property (other than another qualified
11 opportunity fund) that holds at least 90 percent of its
12 assets in qualified opportunity zone property, deter-
13 mined—

14 “(A) on the last day of the first 6-month pe-
15 riod of the taxable year of the fund, and

16 “(B) on the last day of the taxable year of
17 the fund.

18 “(2) *QUALIFIED OPPORTUNITY ZONE PROP-*
19 *ERTY.*—

20 “(A) *IN GENERAL.*—The term ‘qualified op-
21 portunity zone property’ means property which
22 is—

23 “(i) qualified opportunity zone stock,

24 “(ii) qualified opportunity zone part-
25 nership interest, or

1 “(iii) *qualified opportunity zone busi-*
2 *ness property.*

3 “(B) *QUALIFIED OPPORTUNITY ZONE*
4 *STOCK.—*

5 “(i) *IN GENERAL.—Except as provided*
6 *in clause (ii), the term ‘qualified oppor-*
7 *tunity zone stock’ means any stock in a do-*
8 *mestic corporation if—*

9 “(I) *such stock is acquired by the*
10 *taxpayer after December 31, 2017, at*
11 *its original issue (directly or through*
12 *an underwriter) from the corporation*
13 *solely in exchange for cash,*

14 “(II) *as of the time such stock was*
15 *issued, such corporation was a quali-*
16 *fied opportunity zone business (or, in*
17 *the case of a new corporation, such cor-*
18 *poration was being organized for pur-*
19 *poses of being a qualified opportunity*
20 *zone business), and*

21 “(III) *during substantially all of*
22 *the taxpayer’s holding period for such*
23 *stock, such corporation qualified as a*
24 *qualified opportunity zone business.*

1 “(i) *REDEMPTIONS*.—A rule similar
2 to the rule of section 1202(c)(3) shall apply
3 for purposes of this paragraph.

4 “(C) *QUALIFIED OPPORTUNITY ZONE PART-*
5 *NERSHIP INTEREST*.—The term ‘qualified oppor-

6 tunity zone partnership interest’ means any cap-

7 ital or profits interest in a domestic partnership

8 if—

9 “(i) such interest is acquired by the
10 taxpayer after December 31, 2017, from the
11 partnership solely in exchange for cash,

12 “(ii) as of the time such interest was
13 acquired, such partnership was a qualified
14 opportunity zone business (or, in the case of
15 a new partnership, such partnership was
16 being organized for purposes of being a
17 qualified opportunity zone business), and

18 “(iii) during substantially all of the
19 taxpayer’s holding period for such interest,
20 such partnership qualified as a qualified
21 opportunity zone business.

22 “(D) *QUALIFIED OPPORTUNITY ZONE BUSI-*
23 *NESS PROPERTY*.—

24 “(i) *IN GENERAL*.—The term ‘qualified
25 opportunity zone business property’ means

1 *tangible property used in a trade or busi-*
2 *ness of the taxpayer if—*

3 “(I) *such property was acquired*
4 *by the taxpayer by purchase (as de-*
5 *fined in section 179(d)(2)) after De-*
6 *cember 31, 2017,*

7 “(II) *the original use of such*
8 *property in the qualified opportunity*
9 *zone commences with the taxpayer or*
10 *the taxpayer substantially improves*
11 *the property, and*

12 “(III) *during substantially all of*
13 *the taxpayer’s holding period for such*
14 *property, substantially all of the use of*
15 *such property was in a qualified op-*
16 *portunity zone.*

17 “(ii) *SUBSTANTIAL IMPROVEMENT.—*
18 *For purposes of subparagraph (A)(i), prop-*
19 *erty shall be treated as substantially im-*
20 *proved by the taxpayer only if, during any*
21 *30-month period beginning after the date of*
22 *acquisition of such property, additions to*
23 *basis with respect to such property in the*
24 *hands of the taxpayer exceed an amount*
25 *equal to the adjusted basis of such property*

1 at the beginning of such 30-month period in
2 the hands of the taxpayer.

3 “(iii) *RELATED PARTY*.—For purposes
4 of subparagraph (A)(i), the related person
5 rule of section 179(d)(2) shall be applied
6 pursuant to paragraph (8) of this sub-
7 section in lieu of the application of such
8 rule in section 179(d)(2)(A).

9 “(3) *QUALIFIED OPPORTUNITY ZONE BUSI-*
10 *NESS*.—

11 “(A) *IN GENERAL*.—The term ‘qualified op-
12 portunity zone business’ means a trade or busi-
13 ness—

14 “(i) in which substantially all of the
15 tangible property owned or leased by the
16 taxpayer is qualified opportunity zone busi-
17 ness property,

18 “(ii) which satisfies the requirements of
19 paragraphs (2), (4), and (8) of section
20 1397C(b), and

21 “(iii) which is not described in section
22 144(c)(6)(B).

23 “(B) *SPECIAL RULE*.—For purposes of sub-
24 paragraph (A), tangible property that ceases to
25 be a qualified opportunity zone business prop-

1 erty shall continue to be treated as a qualified
2 opportunity zone business property for the lesser
3 of—

4 “(i) 5 years after the date on which
5 such tangible property ceases to be so quali-
6 fied, or

7 “(ii) the date on which such tangible
8 property is no longer held by the qualified
9 opportunity zone business.

10 “(e) *APPLICABLE RULES.*—

11 “(1) *TREATMENT OF INVESTMENTS WITH MIXED*
12 *FUNDS.*—*In the case of any investment in a qualified*
13 *opportunity fund only a portion of which consists of*
14 *investments of gain to which an election under sub-*
15 *section (a)(1) is in effect—*

16 “(A) such investment shall be treated as 2
17 separate investments, consisting of—

18 “(i) one investment that only includes
19 amounts to which the election under sub-
20 section (a)(1) applies, and

21 “(ii) a separate investment consisting
22 of other amounts, and

23 “(B) subsections (a), (b), and (c) shall only
24 apply to the investment described in subpara-
25 graph (A)(i).

1 “(2) *RELATED PERSONS.*—For purposes of this
2 section, persons are related to each other if such per-
3 sons are described in section 267(b) or 707(b)(1), de-
4 termined by substituting ‘20 percent’ for ‘50 percent’
5 each place it occurs in such sections.

6 “(3) *DECEDENTS.*—In the case of a decedent,
7 amounts recognized under this section shall, if not
8 properly includible in the gross income of the dece-
9 dent, be includible in gross income as provided by sec-
10 tion 691.

11 “(4) *REGULATIONS.*—The Secretary shall pre-
12 scribe such regulations as may be necessary or appro-
13 priate to carry out the purposes of this section, in-
14 cluding—

15 “(A) rules for the certification of qualified
16 opportunity funds for the purposes of this sec-
17 tion, and

18 “(B) rules to prevent abuse.

19 “(f) *FAILURE OF QUALIFIED OPPORTUNITY FUND TO*
20 *MAINTAIN INVESTMENT STANDARD.*—

21 “(1) *IN GENERAL.*—If a qualified opportunity
22 fund fails to meet the 90-percent requirement of sub-
23 section (c)(1), the qualified opportunity fund shall
24 pay a penalty for each month it fails to meet the re-
25 quirement in an amount equal to the product of—

1 “(A) the excess of—
2 “(i) the amount equal to 90 percent of
3 its aggregate assets, over
4 “(ii) the aggregate amount of qualified
5 opportunity zone property held by the fund,
6 multiplied by
7 “(B) the underpayment rate established
8 under section 6621(a)(2) for such month.

9 “(2) SPECIAL RULE FOR PARTNERSHIPS.—In the
10 case that the qualified opportunity fund is a partner-
11 ship, the penalty imposed by paragraph (1) shall be
12 taken into account proportionately as part of the dis-
13 tributive share of each partner of the partnership.

14 “(3) REASONABLE CAUSE EXCEPTION.—No pen-
15 alty shall be imposed under this subsection with re-
16 spect to any failure if it is shown that such failure
17 is due to reasonable cause.”.

18 (b) BASIS ADJUSTMENTS.—Section 1016(a) is amend-
19 ed by striking “and” at the end of paragraph (36), by strik-
20 ing the period at the end of paragraph (37) and inserting
21 “, and”, and by inserting after paragraph (37) the fol-
22 lowing:

23 “(38) to the extent provided in subsections (b)(2)
24 and (c) of section 1400Z-2.”.

1 (c) *CLERICAL AMENDMENT.*—*The table of subchapters*
 2 *for chapter 1 is amended by adding at the end the following*
 3 *new item:*

“SUBCHAPTER Z. OPPORTUNITY ZONES”.

4 (d) *EFFECTIVE DATE.*—*The amendments made by this*
 5 *section shall take effect on the date of the enactment of this*
 6 *Act.*

7 ***Subtitle D—International Tax***
 8 ***Provisions***

9 ***PART I—OUTBOUND TRANSACTIONS***

10 ***Subpart A—Establishment of Participation***

11 ***Exemption System for Taxation of Foreign Income***

12 ***SEC. 14101. DEDUCTION FOR FOREIGN-SOURCE PORTION***
 13 ***OF DIVIDENDS RECEIVED BY DOMESTIC COR-***
 14 ***PORATIONS FROM SPECIFIED 10-PERCENT***
 15 ***OWNED FOREIGN CORPORATIONS.***

16 (a) *IN GENERAL.*—*Part VIII of subchapter B of chap-*
 17 *ter 1 is amended by inserting after section 245 the following*
 18 *new section:*

19 ***“SEC. 245A. DEDUCTION FOR FOREIGN SOURCE-PORION***
 20 ***OF DIVIDENDS RECEIVED BY DOMESTIC COR-***
 21 ***PORATIONS FROM SPECIFIED 10-PERCENT***
 22 ***OWNED FOREIGN CORPORATIONS.***

23 “(a) *IN GENERAL.*—*In the case of any dividend re-*
 24 *ceived from a specified 10-percent owned foreign corpora-*
 25 *tion by a domestic corporation which is a United States*

1 *shareholder with respect to such foreign corporation, there*
2 *shall be allowed as a deduction an amount equal to the for-*
3 *foreign-source portion of such dividend.*

4 “(b) *SPECIFIED 10-PERCENT OWNED FOREIGN COR-*
5 *PORATION.—For purposes of this section—*

6 “(1) *IN GENERAL.—The term ‘specified 10-per-*
7 *cent owned foreign corporation’ means any foreign*
8 *corporation with respect to which any domestic cor-*
9 *poration is a United States shareholder with respect*
10 *to such corporation.*

11 “(2) *EXCLUSION OF PASSIVE FOREIGN INVEST-*
12 *MENT COMPANIES.—Such term shall not include any*
13 *corporation which is a passive foreign investment*
14 *company (as defined in section 1297) with respect to*
15 *the shareholder and which is not a controlled foreign*
16 *corporation.*

17 “(c) *FOREIGN-SOURCE PORTION.—For purposes of this*
18 *section—*

19 “(1) *IN GENERAL.—The foreign-source portion of*
20 *any dividend from a specified 10-percent owned for-*
21 *foreign corporation is an amount which bears the same*
22 *ratio to such dividend as—*

23 “(A) *the undistributed foreign earnings of*
24 *the specified 10-percent owned foreign corpora-*
25 *tion, bears to*

1 “(B) the total undistributed earnings of
2 such foreign corporation.

3 “(2) *UNDISTRIBUTED EARNINGS.*—The term ‘un-
4 distributed earnings’ means the amount of the earn-
5 ings and profits of the specified 10-percent owned for-
6 eign corporation (computed in accordance with sec-
7 tions 964(a) and 986)—

8 “(A) as of the close of the taxable year of the
9 specified 10-percent owned foreign corporation in
10 which the dividend is distributed, and

11 “(B) without diminution by reason of divi-
12 dends distributed during such taxable year.

13 “(3) *UNDISTRIBUTED FOREIGN EARNINGS.*—The
14 term ‘undistributed foreign earnings’ means the por-
15 tion of the undistributed earnings which is attrib-
16 utable to neither—

17 “(A) income described in subparagraph (A)
18 of section 245(a)(5), nor

19 “(B) dividends described in subparagraph
20 (B) of such section (determined without regard to
21 section 245(a)(12)).

22 “(d) *DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.*—

23 “(1) *IN GENERAL.*—No credit shall be allowed
24 under section 901 for any taxes paid or accrued (or
25 treated as paid or accrued) with respect to any dis-

1 *tribution any portion of which constitutes a dividend*
2 *for which a deduction is allowed under this section.*

3 “(2) *DENIAL OF DEDUCTION.*—*No deduction*
4 *shall be allowed under this chapter for any tax for*
5 *which credit is not allowable under section 901 by*
6 *reason of paragraph (1) (determined by treating the*
7 *taxpayer as having elected the benefits of subpart A*
8 *of part III of subchapter N).*

9 “(e) *SPECIAL RULES FOR HYBRID DIVIDENDS.*—

10 “(1) *IN GENERAL.*—*Subsection (a) shall not*
11 *apply to any dividend received by a United States*
12 *shareholder from a controlled foreign corporation if*
13 *the dividend is a hybrid dividend.*

14 “(2) *HYBRID DIVIDENDS OF TIERED CORPORA-*
15 *TIONS.*—*If a controlled foreign corporation with re-*
16 *spect to which a domestic corporation is a United*
17 *States shareholder receives a hybrid dividend from*
18 *any other controlled foreign corporation with respect*
19 *to which such domestic corporation is also a United*
20 *States shareholder, then, notwithstanding any other*
21 *provision of this title—*

22 “(A) *the hybrid dividend shall be treated for*
23 *purposes of section 951(a)(1)(A) as subpart F in-*
24 *come of the receiving controlled foreign corpora-*
25 *tion for the taxable year of the controlled foreign*

1 *corporation in which the dividend was received,*
2 *and*

3 “(B) *the United States shareholder shall in-*
4 *clude in gross income an amount equal to the*
5 *shareholder’s pro rata share (determined in the*
6 *same manner as under section 951(a)(2)) of the*
7 *subpart F income described in subparagraph*
8 *(A).*

9 “(3) *DENIAL OF FOREIGN TAX CREDIT, ETC.—*
10 *The rules of subsection (d) shall apply to any hybrid*
11 *dividend received by, or any amount included under*
12 *paragraph (2) in the gross income of, a United States*
13 *shareholder.*

14 “(4) *HYBRID DIVIDEND.—The term ‘hybrid divi-*
15 *dend’ means an amount received from a controlled*
16 *foreign corporation—*

17 “(A) *for which a deduction would be al-*
18 *lowed under subsection (a) but for this sub-*
19 *section, and*

20 “(B) *for which the controlled foreign cor-*
21 *poration received a deduction (or other tax ben-*
22 *efit) from taxes imposed by any foreign country.*

23 “(f) *SPECIAL RULE FOR PURGING DISTRIBUTIONS OF*
24 *PASSIVE FOREIGN INVESTMENT COMPANIES.—Any amount*
25 *which is treated as a dividend under section 1291(d)(2)(B)*

1 *shall not be treated as a dividend for purposes of this sec-*
2 *tion.*

3 “(g) *REGULATIONS.—The Secretary shall prescribe*
4 *such regulations or other guidance as may be necessary or*
5 *appropriate to carry out the provisions of this section, in-*
6 *cluding regulations for the treatment of United States*
7 *shareholders owning stock of a specified 10 percent owned*
8 *foreign corporation through a partnership.”.*

9 (b) *APPLICATION OF HOLDING PERIOD REQUIRE-*
10 *MENT.—Subsection (c) of section 246 is amended—*

11 (1) *by striking “or 245” in paragraph (1) and*
12 *inserting “245, or 245A”, and*

13 (2) *by adding at the end the following new para-*
14 *graph:*

15 “(5) *SPECIAL RULES FOR FOREIGN SOURCE POR-*
16 *TION OF DIVIDENDS RECEIVED FROM SPECIFIED 10-*
17 *PERCENT OWNED FOREIGN CORPORATIONS.—*

18 “(A) *1-YEAR HOLDING PERIOD REQUIRE-*
19 *MENT.—For purposes of section 245A—*

20 “(i) *paragraph (1)(A) shall be ap-*
21 *plied—*

22 “(I) *by substituting ‘365 days’ for*
23 *‘45 days’ each place it appears, and*

24 “(II) *by substituting ‘731-day pe-*
25 *riod’ for ‘91-day period’, and*

1 “(i) paragraph (2) shall not apply.

2 “(B) STATUS MUST BE MAINTAINED DURING
3 HOLDING PERIOD.—For purposes of applying
4 paragraph (1) with respect to section 245A, the
5 taxpayer shall be treated as holding the stock re-
6 ferred to in paragraph (1) for any period only
7 if—

8 “(i) the specified 10-percent owned for-
9 eign corporation referred to in section
10 245A(a) is a specified 10-percent owned for-
11 eign corporation at all times during such
12 period, and

13 “(ii) the taxpayer is a United States
14 shareholder with respect to such specified
15 10-percent owned foreign corporation at all
16 times during such period.”.

17 (c) APPLICATION OF RULES GENERALLY APPLICABLE
18 TO DEDUCTIONS FOR DIVIDENDS RECEIVED.—

19 (1) TREATMENT OF DIVIDENDS FROM CERTAIN
20 CORPORATIONS.—Paragraph (1) of section 246(a) is
21 amended by striking “and 245” and inserting “245,
22 and 245A”.

23 (2) ASSETS GENERATING TAX-EXEMPT PORTION
24 OF DIVIDEND NOT TAKEN INTO ACCOUNT IN ALLO-
25 CATING AND APPORTIONING DEDUCTIBLE EX-

1 *PENSES.—Paragraph (3) of section 864(e) is amended*
2 *by striking “or 245(a)” and inserting “, 245(a), or*
3 *245A”.*

4 (3) *COORDINATION WITH SECTION 1059.—Sub-*
5 *paragraph (B) of section 1059(b)(2) is amended by*
6 *striking “or 245” and inserting “245, or 245A”.*

7 (d) *COORDINATION WITH FOREIGN TAX CREDIT LIM-*
8 *TATION.—Subsection (b) of section 904 is amended by add-*
9 *ing at the end the following new paragraph:*

10 “(5) *TREATMENT OF DIVIDENDS FOR WHICH DE-*
11 *DUCTION IS ALLOWED UNDER SECTION 245A.—For*
12 *purposes of subsection (a), in the case of a domestic*
13 *corporation which is a United States shareholder with*
14 *respect to a specified 10-percent owned foreign cor-*
15 *poration, such domestic corporation’s taxable income*
16 *from sources without the United States shall be deter-*
17 *mined without regard to—*

18 “(A) *the foreign-source portion of any divi-*
19 *dend received from such foreign corporation, and*

20 “(B) *any deductions properly allocable to*
21 *such portion.*

22 *Any term which is used in section 245A and in this*
23 *paragraph shall have the same meaning for purposes*
24 *of this paragraph as when used in such section.”.*

25 (e) *CONFORMING AMENDMENTS.—*

1 (1) Subsection (b) of section 951 is amended by
2 striking “subpart” and inserting “title”.

3 (2) Subsection (a) of section 957 is amended by
4 striking “subpart” in the matter preceding paragraph
5 (1) and inserting “title”.

6 (3) The table of sections for part VIII of sub-
7 chapter B of chapter 1 is amended by inserting after
8 the item relating to section 245 the following new
9 item:

“Sec. 245A. Dividends received by domestic corporations from certain foreign cor-
porations.”.

10 (f) *EFFECTIVE DATE.*—The amendments made by this
11 section shall apply to taxable years of foreign corporations
12 beginning after December 31, 2017, and to taxable years
13 of United States shareholders in which or with which such
14 taxable years of foreign corporations end.

15 **SEC. 14102. SPECIAL RULES RELATING TO SALES OR TRANS-**
16 **FERS INVOLVING SPECIFIED 10-PERCENT**
17 **OWNED FOREIGN CORPORATIONS.**

18 (a) *SALES BY UNITED STATES PERSONS OF STOCK.*—
19 Section 1248 is amended by redesignating subsection (j) as
20 subsection (k) and by inserting after subsection (i) the fol-
21 lowing new subsection:

22 “(j) *COORDINATION WITH DIVIDENDS RECEIVED DE-*
23 *DUCTION.*—In the case of the sale or exchange by a domestic
24 corporation of stock in a foreign corporation held for 1 year

1 or more, any amount received by the domestic corporation
2 which is treated as a dividend by reason of this section shall
3 be treated as a dividend for purposes of applying section
4 245A.”.

5 (b) *BASIS IN SPECIFIED 10-PERCENT OWNED FOREIGN*
6 *CORPORATION REDUCED BY NONTAXED PORTION OF DIVI-*
7 *DEND FOR PURPOSES OF DETERMINING LOSS.—*

8 (1) *IN GENERAL.—*Section 961 is amended by
9 adding at the end the following new subsection:

10 “(d) *BASIS IN SPECIFIED 10-PERCENT OWNED FOR-*
11 *EIGN CORPORATION REDUCED BY NONTAXED PORTION OF*
12 *DIVIDEND FOR PURPOSES OF DETERMINING LOSS.—*If a
13 domestic corporation receives a dividend from a specified
14 10-percent owned foreign corporation (as defined in section
15 245A) in any taxable year, solely for purposes of deter-
16 mining loss on any disposition of stock of such foreign cor-
17 poration in such taxable year or any subsequent taxable
18 year, the basis of such domestic corporation in such stock
19 shall be reduced (but not below zero) by the amount of any
20 deduction allowable to such domestic corporation under sec-
21 tion 245A with respect to such stock.”.

22 (2) *EFFECTIVE DATE.—*The amendments made
23 by this subsection shall apply to dividends received in
24 taxable years beginning after December 31, 2017.

1 (c) *SALE BY A CFC OF A LOWER TIER CFC.*—Section
2 964(e) is amended by adding at the end the following new
3 paragraph:

4 “(4) *COORDINATION WITH DIVIDENDS RECEIVED*
5 *DEDUCTION.*—

6 “(A) *IN GENERAL.*—If, for any taxable year
7 of a controlled foreign corporation beginning
8 after December 31, 2017, any amount is treated
9 as a dividend under paragraph (1) by reason of
10 a sale or exchange by the controlled foreign cor-
11 poration of stock in another foreign corporation
12 held for 1 year or more, then, notwithstanding
13 any other provision of this title—

14 “(i) the foreign-source portion of such
15 dividend shall be treated for purposes of sec-
16 tion 951(a)(1)(A) as subpart F income of
17 the selling controlled foreign corporation for
18 such taxable year,

19 “(ii) a United States shareholder with
20 respect to the selling controlled foreign cor-
21 poration shall include in gross income for
22 the taxable year of the shareholder with or
23 within which such taxable year of the con-
24 trolled foreign corporation ends an amount
25 equal to the shareholder’s pro rata share

1 *(determined in the same manner as under*
2 *section 951(a)(2)) of the amount treated as*
3 *subpart F income under clause (i), and*

4 *“(iii) the deduction under section*
5 *245A(a) shall be allowable to the United*
6 *States shareholder with respect to the sub-*
7 *part F income included in gross income*
8 *under clause (ii) in the same manner as if*
9 *such subpart F income were a dividend re-*
10 *ceived by the shareholder from the selling*
11 *controlled foreign corporation.*

12 *“(B) EFFECT OF LOSS ON EARNINGS AND*
13 *PROFITS.—For purposes of this title, in the case*
14 *of a sale or exchange by a controlled foreign cor-*
15 *poration of stock in another foreign corporation*
16 *in a taxable year of the selling controlled foreign*
17 *corporation beginning after December 31, 2017,*
18 *to which this paragraph would apply if gain*
19 *were recognized, the earnings and profits of the*
20 *selling controlled foreign corporation shall not be*
21 *reduced by reason of any loss from such sale or*
22 *exchange.*

23 *“(C) FOREIGN-SOURCE PORTION.—For pur-*
24 *poses of this paragraph, the foreign-source por-*
25 *tion of any amount treated as a dividend under*

1 paragraph (1) shall be determined in the same
2 manner as under section 245A(c).”

3 (d) *TREATMENT OF FOREIGN BRANCH LOSSES TRANS-*
4 *FERRED TO SPECIFIED 10-PERCENT OWNED FOREIGN COR-*
5 *PORATIONS.—*

6 (1) *IN GENERAL.—Part II of subchapter B of*
7 *chapter 1 is amended by adding at the end the fol-*
8 *lowing new section:*

9 **“SEC. 91. CERTAIN FOREIGN BRANCH LOSSES TRANS-**
10 **FERRED TO SPECIFIED 10-PERCENT OWNED**
11 **FOREIGN CORPORATIONS.**

12 “(a) *IN GENERAL.—If a domestic corporation trans-*
13 *fers substantially all of the assets of a foreign branch (with-*
14 *in the meaning of section 367(a)(3)(C), as in effect before*
15 *the date of the enactment of the Tax Cuts and Jobs Act)*
16 *to a specified 10-percent owned foreign corporation (as de-*
17 *finied in section 245A) with respect to which it is a United*
18 *States shareholder after such transfer, such domestic cor-*
19 *poration shall include in gross income for the taxable year*
20 *which includes such transfer an amount equal to the trans-*
21 *ferred loss amount with respect to such transfer.*

22 “(b) *LIMITATION AND CARRYFORWARD BASED ON*
23 *FOREIGN-SOURCE DIVIDENDS RECEIVED.—*

24 “(1) *IN GENERAL.—The amount included in the*
25 *gross income of the taxpayer under subsection (a) for*

1 *any taxable year shall not exceed the amount allowed*
2 *as a deduction under section 245A for such taxable*
3 *year (taking into account dividends received from all*
4 *specified 10-percent owned foreign corporations with*
5 *respect to which the taxpayer is a United States*
6 *shareholder).*

7 “(2) *AMOUNTS NOT INCLUDED CARRIED FOR-*
8 *WARD.—Any amount not included in gross income for*
9 *any taxable year by reason of paragraph (1) shall,*
10 *subject to the application of paragraph (1) to the suc-*
11 *ceeding taxable year, be included in gross income for*
12 *the succeeding taxable year.*

13 “(c) *TRANSFERRED LOSS AMOUNT.—For purposes of*
14 *this section, the term ‘transferred loss amount’ means, with*
15 *respect to any transfer of substantially all of the assets of*
16 *a foreign branch, the excess (if any) of—*

17 “(1) *the sum of losses—*

18 “(A) *which were incurred by the foreign*
19 *branch after December 31, 2017, and before the*
20 *transfer, and*

21 “(B) *with respect to which a deduction was*
22 *allowed to the taxpayer, over*

23 “(2) *the sum of—*

24 “(A) *any taxable income of such branch for*
25 *a taxable year after the taxable year in which*

1 *the loss was incurred and through the close of the*
2 *taxable year of the transfer, and*

3 “(B) *any amount which is recognized under*
4 *section 904(f)(3) on account of the transfer.*”

5 “(d) *REDUCTION FOR RECOGNIZED GAINS.—The*
6 *transferred loss amount shall be reduced (but not below*
7 *zero) by the amount of gain recognized by the taxpayer on*
8 *account of the transfer (other than amounts taken into ac-*
9 *count under subsection (c)(2)(B)).*”

10 “(e) *SOURCE OF INCOME.—Amounts included in gross*
11 *income under this section shall be treated as derived from*
12 *sources within the United States.*”

13 “(f) *BASIS ADJUSTMENTS.—Consistent with such reg-*
14 *ulations or other guidance as the Secretary shall prescribe,*
15 *proper adjustments shall be made in the adjusted basis of*
16 *the taxpayer’s stock in the specified 10-percent owned for-*
17 *ign corporation to which the transfer is made, and in the*
18 *transferee’s adjusted basis in the property transferred, to*
19 *reflect amounts included in gross income under this sec-*
20 *tion.*”.

21 (2) *CLERICAL AMENDMENT.—The table of sec-*
22 *tions for part II of subchapter B of chapter 1 is*
23 *amended by adding at the end the following new item:*

 “Sec. 91. *Certain foreign branch losses transferred to specified 10-percent owned*
 foreign corporations.”.

1 (3) *EFFECTIVE DATE.*—*The amendments made*
2 *by this subsection shall apply to transfers after De-*
3 *cember 31, 2017.*

4 (e) *REPEAL OF ACTIVE TRADE OR BUSINESS EXCEP-*
5 *TION UNDER SECTION 367.*—

6 (1) *IN GENERAL.*—*Section 367(a) is amended by*
7 *striking paragraph (3) and redesignating paragraphs*
8 *(4), (5), and (6) as paragraphs (3), (4), and (5), re-*
9 *spectively.*

10 (2) *CONFORMING AMENDMENTS.*—*Section*
11 *367(a)(4), as redesignated by paragraph (1), is*
12 *amended—*

13 (A) *by striking “Paragraphs (2) and (3)”*
14 *and inserting “Paragraph (2)”, and*

15 (B) *by striking “PARAGRAPHS (2) AND (3)”*
16 *in the heading and inserting “PARAGRAPH (2)”.*

17 (3) *EFFECTIVE DATE.*—*The amendments made*
18 *by this subsection shall apply to transfers after De-*
19 *cember 31, 2017.*

20 **SEC. 14103. TREATMENT OF DEFERRED FOREIGN INCOME**
21 **UPON TRANSITION TO PARTICIPATION EX-**
22 **EMPTION SYSTEM OF TAXATION.**

23 (a) *IN GENERAL.*—*Section 965 is amended to read as*
24 *follows:*

1 **“SEC. 965. TREATMENT OF DEFERRED FOREIGN INCOME**
2 **UPON TRANSITION TO PARTICIPATION EX-**
3 **EMPTION SYSTEM OF TAXATION.**

4 *“(a) TREATMENT OF DEFERRED FOREIGN INCOME AS*
5 *SUBPART F INCOME.—In the case of the last taxable year*
6 *of a deferred income corporation which begins before Janu-*
7 *ary 1, 2018, the subpart F income of such foreign corpora-*
8 *tion (as otherwise determined for such taxable year under*
9 *section 952) shall be increased by the greater of—*

10 *“(1) the accumulated post-1986 deferred foreign*
11 *income of such corporation determined as of Novem-*
12 *ber 9, 2017, or*

13 *“(2) the accumulated post-1986 deferred foreign*
14 *income of such corporation determined as of December*
15 *31, 2017.*

16 *“(b) REDUCTION IN AMOUNTS INCLUDED IN GROSS IN-*
17 *COME OF UNITED STATES SHAREHOLDERS OF SPECIFIED*
18 *FOREIGN CORPORATIONS WITH DEFICITS IN EARNINGS*
19 *AND PROFITS.—*

20 *“(1) IN GENERAL.—In the case of a taxpayer*
21 *which is a United States shareholder with respect to*
22 *at least one deferred foreign income corporation and*
23 *at least one E&P deficit foreign corporation, the*
24 *amount which would (but for this subsection) be taken*
25 *into account under section 951(a)(1) by reason of sub-*
26 *section (a) as such United States shareholder’s pro*

1 *rata share of the subpart F income of each deferred*
2 *foreign income corporation shall be reduced by the*
3 *amount of such United States shareholder's aggregate*
4 *foreign E&P deficit which is allocated under para-*
5 *graph (2) to such deferred foreign income corporation.*

6 *“(2) ALLOCATION OF AGGREGATE FOREIGN E&P*
7 *DEFICIT.—The aggregate foreign E&P deficit of any*
8 *United States shareholder shall be allocated among*
9 *the deferred foreign income corporations of such*
10 *United States shareholder in an amount which bears*
11 *the same proportion to such aggregate as—*

12 *“(A) such United States shareholder's pro*
13 *rata share of the accumulated post-1986 deferred*
14 *foreign income of each such deferred foreign in-*
15 *come corporation, bears to*

16 *“(B) the aggregate of such United States*
17 *shareholder's pro rata share of the accumulated*
18 *post-1986 deferred foreign income of all deferred*
19 *foreign income corporations of such United*
20 *States shareholder.*

21 *“(3) DEFINITIONS RELATED TO E&P DEFICITS.—*
22 *For purposes of this subsection—*

23 *“(A) AGGREGATE FOREIGN E&P DEFICIT.—*

24 *“(i) IN GENERAL.—The term ‘aggre-*
25 *gate foreign E&P deficit’ means, with re-*

1 *spect to any United States shareholder, the*
2 *lesser of—*

3 *“(I) the aggregate of such share-*
4 *holder’s pro rata shares of the specified*
5 *E&P deficits of the E&P deficit foreign*
6 *corporations of such shareholder, or*

7 *“(II) the amount determined*
8 *under paragraph (2)(B).*

9 *“(ii) ALLOCATION OF DEFICIT.—If the*
10 *amount described in clause (i)(II) is less*
11 *than the amount described in clause (i)(I),*
12 *then the shareholder shall designate, in such*
13 *form and manner as the Secretary deter-*
14 *mines—*

15 *“(I) the amount of the specified*
16 *E&P deficit which is to be taken into*
17 *account for each E&P deficit corpora-*
18 *tion with respect to the taxpayer, and*

19 *“(II) in the case of an E&P def-*
20 *icit corporation which has a qualified*
21 *deficit (as defined in section 952), the*
22 *portion (if any) of the deficit taken*
23 *into account under subclause (I) which*
24 *is attributable to a qualified deficit,*

1 *including the qualified activities to*
2 *which such portion is attributable.*

3 “(B) *E&P DEFICIT FOREIGN CORPORA-*
4 *TION.—The term ‘E&P deficit foreign corpora-*
5 *tion’ means, with respect to any taxpayer, any*
6 *specified foreign corporation with respect to*
7 *which such taxpayer is a United States share-*
8 *holder, if—*

9 “(i) *such specified foreign corporation*
10 *has a deficit in post-1986 earnings and*
11 *profits, and*

12 “(ii) *as of November 9, 2017—*

13 “(I) *such corporation was a speci-*
14 *fied foreign corporation, and*

15 “(II) *such taxpayer was a United*
16 *States shareholder of such corporation.*

17 “(C) *SPECIFIED E&P DEFICIT.—The term*
18 *‘specified E&P deficit’ means, with respect to*
19 *any E&P deficit foreign corporation, the amount*
20 *of the deficit referred to in subparagraph (B).*

21 “(4) *TREATMENT OF EARNINGS AND PROFITS IN*
22 *FUTURE YEARS.—*

23 “(A) *REDUCED EARNINGS AND PROFITS*
24 *TREATED AS PREVIOUSLY TAXED INCOME WHEN*
25 *DISTRIBUTED.—For purposes of applying section*

1 959 in any taxable year beginning after Decem-
2 ber 31, 2017, with respect to any United States
3 shareholder of a deferred foreign income corpora-
4 tion, an amount equal to such shareholder's re-
5 duction under paragraph (1) which is allocated
6 to such deferred foreign income corporation
7 under this subsection shall be treated as an
8 amount which was included in the gross income
9 of such United States shareholder under section
10 951(a).

11 “(B) *E&P DEFICITS.*—For purposes of this
12 title, a United States shareholder's pro rata
13 share of the earnings and profits of any specified
14 *E&P deficit foreign corporation* under this sub-
15 section shall be increased by the amount of the
16 specified *E&P deficit* of such corporation taken
17 into account by such shareholder under para-
18 graph (1), and, for purposes of section 952, such
19 increase shall be attributable to the same activity
20 to which the deficit so taken into account was at-
21 tributable.

22 “(c) *APPLICATION OF PARTICIPATION EXEMPTION TO*
23 *INCLUDED INCOME.*—

24 “(1) *IN GENERAL.*—In the case of a United
25 States shareholder of a deferred foreign income cor-

1 *poration, there shall be allowed as a deduction for the*
2 *taxable year in which an amount is included in the*
3 *gross income of such United States shareholder under*
4 *section 951(a)(1) by reason of this section an amount*
5 *equal to the sum of—*

6 *“(A) 78.6 percent of the excess (if any) of—*

7 *“(i) the amount so included as gross*
8 *income, over*

9 *“(ii) the amount of such United States*
10 *shareholder’s aggregate foreign cash posi-*
11 *tion, plus*

12 *“(B) 58.6 percent of so much of the amount*
13 *described in subparagraph (A)(ii) as does not ex-*
14 *ceed the amount described in subparagraph*
15 *(A)(i).*

16 *“(2) AGGREGATE FOREIGN CASH POSITION.—For*
17 *purposes of this subsection—*

18 *“(A) IN GENERAL.—The term ‘aggregate*
19 *foreign cash position’ means, with respect to any*
20 *United States shareholder, the greater of—*

21 *“(i) the aggregate of such United*
22 *States shareholder’s pro rata share of the*
23 *cash position of each specified foreign cor-*
24 *poration of such United States shareholder*
25 *determined as of the close of the last taxable*

1 *year of such specified foreign corporation*
2 *which begins before January 1, 2018, or*

3 “(ii) *one half of the sum of—*

4 “(I) *the aggregate described in*
5 *clause (i) determined as of the close of*
6 *the last taxable year of each such speci-*
7 *fied foreign corporation which ends be-*
8 *fore November 9, 2017, plus*

9 “(II) *the aggregate described in*
10 *clause (i) determined as of the close of*
11 *the taxable year of each such specified*
12 *foreign corporation which precedes the*
13 *taxable year referred to in subclause*
14 *(I).*

15 “(B) *CASH POSITION.—For purposes of this*
16 *paragraph, the cash position of any specified for-*
17 *ign corporation is the sum of—*

18 “(i) *cash and foreign currency held by*
19 *such foreign corporation,*

20 “(ii) *the net accounts receivable of such*
21 *foreign corporation, plus*

22 “(iii) *the fair market value of the fol-*
23 *lowing assets held by such corporation:*

24 “(I) *Personal property which is of*
25 *a type that is actively traded and for*

1 *which there is an established financial*
2 *market (other than stock in the speci-*
3 *fied foreign corporation).*

4 “(II) *Commercial paper, certifi-*
5 *cates of deposit, the securities of the*
6 *Federal government and of any State*
7 *or foreign government.*

8 “(III) *Any obligation with a term*
9 *of less than one year.*

10 “(IV) *Any asset which the Sec-*
11 *retary identifies as being economically*
12 *equivalent to any asset described in*
13 *this subparagraph.*

14 “(C) *NET ACCOUNTS RECEIVABLE.—For*
15 *purposes of this paragraph, the term ‘net ac-*
16 *counts receivable’ means, with respect to any*
17 *specified foreign corporation, the excess (if any)*
18 *of—*

19 “(i) *such corporation’s accounts receiv-*
20 *able, over*

21 “(ii) *such corporation’s accounts pay-*
22 *able (determined consistent with the rules of*
23 *section 461).*

24 “(D) *PREVENTION OF DOUBLE COUNTING.—*
25 *Cash positions of a specified foreign corporation*

1 *described in clause (ii) or (iii)(III) of subpara-*
2 *graph (B) shall not be taken into account by a*
3 *United States shareholder under subparagraph*
4 *(A) to the extent that such United States share-*
5 *holder demonstrates to the satisfaction of the Sec-*
6 *retary that such amount is so taken into account*
7 *by such United States shareholder with respect to*
8 *another specified foreign corporation.*

9 “(E) CASH POSITIONS OF CERTAIN NON-
10 CORPORATE ENTITIES TAKEN INTO ACCOUNT.—
11 *An entity shall be treated as a specified foreign*
12 *corporation of a United States shareholder for*
13 *purposes of determining such United States*
14 *shareholder’s aggregate foreign cash position if—*

15 “(i) *such entity is a foreign entity*
16 *which would be a specified foreign corpora-*
17 *tion of such United States shareholder if*
18 *such entity were a corporation, or*

19 “(ii) *any interest in such entity is held*
20 *by a specified foreign corporation of such*
21 *United States shareholder (determined after*
22 *application of clause (i)) and such entity*
23 *would be a specified foreign corporation of*
24 *such United States shareholder if such enti-*
25 *ty were a foreign corporation.*

1 “(F) *ANTI-ABUSE.*—If the Secretary deter-
2 mines that a principal purpose of any trans-
3 action was to reduce the aggregate foreign cash
4 position taken into account under this sub-
5 section, such transaction shall be disregarded for
6 purposes of this subsection.

7 “(d) *DEFERRED FOREIGN INCOME CORPORATION; AC-*
8 *CUMULATED POST-1986 DEFERRED FOREIGN INCOME.*—
9 For purposes of this section—

10 “(1) *DEFERRED FOREIGN INCOME CORPORA-*
11 *TION.*—The term ‘deferred foreign income corporation’
12 means, with respect to any United States shareholder,
13 any specified foreign corporation of such United
14 States shareholder which has accumulated post-1986
15 deferred foreign income (as of the close of the taxable
16 year referred to in subsection (a)) greater than zero.

17 “(2) *ACCUMULATED POST-1986 DEFERRED FOR-*
18 *EIGN INCOME.*—The term ‘accumulated post-1986 de-
19 ferred foreign income’ means the post-1986 earnings
20 and profits except to the extent such earnings—

21 “(A) are attributable to income of the speci-
22 fied foreign corporation which is effectively con-
23 nected with the conduct of a trade or business
24 within the United States and subject to tax
25 under this chapter, or

1 “(B) in the case of a controlled foreign cor-
2 poration, if distributed, would be excluded from
3 the gross income of a United States shareholder
4 under section 959.

5 To the extent provided in regulations or other guid-
6 ance prescribed by the Secretary, in the case of any
7 controlled foreign corporation which has shareholders
8 which are not United States shareholders, accumu-
9 lated post-1986 deferred foreign income shall be ap-
10 propriately reduced by amounts which would be de-
11 scribed in subparagraph (B) if such shareholders were
12 United States shareholders.

13 “(3) *POST-1986 EARNINGS AND PROFITS.*—The
14 term ‘post-1986 earnings and profits’ means the earn-
15 ings and profits of the foreign corporation (computed
16 in accordance with sections 964(a) and 986, and by
17 only taking into account periods when the foreign cor-
18 poration was a specified foreign corporation) accumu-
19 lated in taxable years beginning after December 31,
20 1986, and determined—

21 “(A) as of the date of the taxable year re-
22 ferred to in paragraph (1) or (2) of subsection
23 (a), whichever is applicable with respect to such
24 foreign corporation, and

1 “(B) without diminution by reason of divi-
2 dends distributed during the taxable year ending
3 with or including such date.

4 “(e) SPECIFIED FOREIGN CORPORATION.—

5 “(1) IN GENERAL.—For purposes of this section,
6 the term ‘specified foreign corporation’ means—

7 “(A) any controlled foreign corporation,
8 and

9 “(B) any section 902 corporation (as de-
10 fined in section 909(d)(5) as in effect before the
11 date of the enactment of the Tax Cuts and Jobs
12 Act).

13 “(2) APPLICATION TO SECTION 902 CORPORA-
14 TIONS.—For purposes of sections 951 and 961, a sec-
15 tion 902 corporation (as so defined) shall be treated
16 as a controlled foreign corporation solely for purposes
17 of taking into account the subpart F income of such
18 corporation under subsection (a) (and for purposes of
19 applying subsection (e)).

20 “(3) EXCLUSION OF PASSIVE FOREIGN INVEST-
21 MENT COMPANIES.—Such term shall not include any
22 corporation which is a passive foreign investment
23 company (as defined in section 1297) with respect to
24 the shareholder and which is not a controlled foreign
25 corporation.

1 “(f) *DETERMINATIONS OF PRO RATA SHARE.*—For
2 purposes of this section, the determination of any United
3 States shareholder’s pro rata share of any amount with re-
4 spect to any specified foreign corporation shall be deter-
5 mined under rules similar to the rules of section 951(a)(2)
6 by treating such amount in the same manner as subpart
7 F income (and by treating such specified foreign corpora-
8 tion as a controlled foreign corporation).

9 “(g) *DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.*—

10 “(1) *IN GENERAL.*—No credit shall be allowed
11 under section 901 for the applicable percentage of any
12 taxes paid or accrued (or treated as paid or accrued)
13 with respect to any amount for which a deduction is
14 allowed under this section.

15 “(2) *APPLICABLE PERCENTAGE.*—For purposes
16 of this subsection, the term ‘applicable percentage’
17 means the amount (expressed as a percentage) equal
18 to the sum of—

19 “(A) 0.786 multiplied by the ratio of—

20 “(i) the excess to which subsection
21 (c)(1)(A) applies, divided by

22 “(ii) the sum of such excess plus the
23 amount to which subsection (c)(1)(B) ap-
24 plies, plus

25 “(B) 0.586 multiplied by the ratio of—

1 “(i) the amount to which subsection
2 (c)(1)(B) applies, divided by

3 “(ii) the sum described in subpara-
4 graph (A)(ii).

5 “(3) DENIAL OF DEDUCTION.—No deduction
6 shall be allowed under this chapter for any tax for
7 which credit is not allowable under section 901 by
8 reason of paragraph (1) (determined by treating the
9 taxpayer as having elected the benefits of subpart A
10 of part III of subchapter N).

11 “(4) COORDINATION WITH SECTION 78.—Section
12 78 shall not apply to any tax for which credit is not
13 allowable under section 901 by reason of paragraph
14 (1).

15 “(h) ELECTION TO PAY LIABILITY IN INSTALL-
16 MENTS.—

17 “(1) IN GENERAL.—In the case of a United
18 States shareholder of a deferred foreign income cor-
19 poration, such United States shareholder may elect to
20 pay the net tax liability under this section in 8 in-
21 stallments of the following amounts:

22 “(A) 8 percent of the net tax liability in the
23 case of each of the first 5 of such installments,

24 “(B) 15 percent of the net tax liability in
25 the case of the 6th such installment,

1 “(C) 20 percent of the net tax liability in
2 the case of the 7th such installment, and

3 “(D) 25 percent of the net tax liability in
4 the case of the 8th such installment.

5 “(2) DATE FOR PAYMENT OF INSTALLMENTS.—If
6 an election is made under paragraph (1), the first in-
7 stallment shall be paid on the due date (determined
8 without regard to any extension of time for filing the
9 return) for the return of tax for the taxable year de-
10 scribed in subsection (a) and each succeeding install-
11 ment shall be paid on the due date (as so determined)
12 for the return of tax for the taxable year following the
13 taxable year with respect to which the preceding in-
14 stallment was made.

15 “(3) ACCELERATION OF PAYMENT.—If there is
16 an addition to tax for failure to timely pay any in-
17 stallment required under this subsection, a liquida-
18 tion or sale of substantially all the assets of the tax-
19 payer (including in a title 11 or similar case), a ces-
20 sation of business by the taxpayer, or any similar cir-
21 cumstance, then the unpaid portion of all remaining
22 installments shall be due on the date of such event (or
23 in the case of a title 11 or similar case, the day before
24 the petition is filed). The preceding sentence shall not
25 apply to the sale of substantially all the assets of a

1 *taxpayer to a buyer if such buyer enters into an*
2 *agreement with the Secretary under which such buyer*
3 *is liable for the remaining installments due under*
4 *this subsection in the same manner as if such buyer*
5 *were the taxpayer.*

6 “(4) *PRORATION OF DEFICIENCY TO INSTALL-*
7 *MENTS.—If an election is made under paragraph (1)*
8 *to pay the net tax liability under this section in in-*
9 *stallments and a deficiency has been assessed with re-*
10 *spect to such net tax liability, the deficiency shall be*
11 *prorated to the installments payable under paragraph*
12 *(1). The part of the deficiency so prorated to any in-*
13 *stallment the date for payment of which has not ar-*
14 *rived shall be collected at the same time as, and as*
15 *a part of, such installment. The part of the deficiency*
16 *so prorated to any installment the date for payment*
17 *of which has arrived shall be paid upon notice and*
18 *demand from the Secretary. This subsection shall not*
19 *apply if the deficiency is due to negligence, to inten-*
20 *tional disregard of rules and regulations, or to fraud*
21 *with intent to evade tax.*

22 “(5) *ELECTION.—Any election under paragraph*
23 *(1) shall be made not later than the due date for the*
24 *return of tax for the taxable year described in sub-*

1 *section (a) and shall be made in such manner as the*
2 *Secretary shall provide.*

3 *“(6) NET TAX LIABILITY UNDER THIS SEC-*
4 *TION.—For purposes of this subsection—*

5 *“(A) IN GENERAL.—The net tax liability*
6 *under this section with respect to any United*
7 *States shareholder is the excess (if any) of—*

8 *“(i) such taxpayer’s net income tax for*
9 *the taxable year in which an amount is in-*
10 *cluded in the gross income of such United*
11 *States shareholder under section 951(a)(1)*
12 *by reason of this section, over*

13 *“(ii) such taxpayer’s net income tax*
14 *for such taxable year determined—*

15 *“(I) without regard to this sec-*
16 *tion, and*

17 *“(II) without regard to any in-*
18 *come or deduction properly attrib-*
19 *utable to a dividend received by such*
20 *United States shareholder from any de-*
21 *ferred foreign income corporation.*

22 *“(B) NET INCOME TAX.—The term ‘net in-*
23 *come tax’ means the regular tax liability reduced*
24 *by the credits allowed under subparts A, B, and*
25 *D of part IV of subchapter A.*

1 “(i) *SPECIAL RULES FOR S CORPORATION SHARE-*
2 *HOLDERS.*—

3 “(1) *IN GENERAL.*—*In the case of any S cor-*
4 *poration which is a United States shareholder of a*
5 *deferred foreign income corporation, each shareholder*
6 *of such S corporation may elect to defer payment of*
7 *such shareholder’s net tax liability under this section*
8 *with respect to such S corporation until the share-*
9 *holder’s taxable year which includes the triggering*
10 *event with respect to such liability. Any net tax li-*
11 *ability payment of which is deferred under the pre-*
12 *ceding sentence shall be assessed on the return of tax*
13 *as an addition to tax in the shareholder’s taxable*
14 *year which includes such triggering event.*

15 “(2) *TRIGGERING EVENT.*—

16 “(A) *IN GENERAL.*—*In the case of any*
17 *shareholder’s net tax liability under this section*
18 *with respect to any S corporation, the triggering*
19 *event with respect to such liability is whichever*
20 *of the following occurs first:*

21 “(i) *Such corporation ceases to be an S*
22 *corporation (determined as of the first day*
23 *of the first taxable year that such corpora-*
24 *tion is not an S corporation).*

1 “(ii) A liquidation or sale of substan-
2 tially all the assets of such S corporation
3 (including in a title 11 or similar case), a
4 cessation of business by such S corporation,
5 such S corporation ceases to exist, or any
6 similar circumstance.

7 “(iii) A transfer of any share of stock
8 in such S corporation by the taxpayer (in-
9 cluding by reason of death, or otherwise).

10 “(B) PARTIAL TRANSFERS OF STOCK.—In
11 the case of a transfer of less than all of the tax-
12 payer’s shares of stock in the S corporation, such
13 transfer shall only be a triggering event with re-
14 spect to so much of the taxpayer’s net tax liabil-
15 ity under this section with respect to such S cor-
16 poration as is properly allocable to such stock.

17 “(C) TRANSFER OF LIABILITY.—A transfer
18 described in clause (iii) of subparagraph (A)
19 shall not be treated as a triggering event if the
20 transferee enters into an agreement with the Sec-
21 retary under which such transferee is liable for
22 net tax liability with respect to such stock in the
23 same manner as if such transferee were the tax-
24 payer.

1 “(3) *NET TAX LIABILITY.*—A shareholder’s net
2 tax liability under this section with respect to any S
3 corporation is the net tax liability under this section
4 which would be determined under subsection (h)(6) if
5 the only subpart F income taken into account by such
6 shareholder by reason of this section were allocations
7 from such S corporation.

8 “(4) *ELECTION TO PAY DEFERRED LIABILITY IN*
9 *INSTALLMENTS.*—In the case of a taxpayer which
10 elects to defer payment under paragraph (1)—

11 “(A) subsection (h) shall be applied sepa-
12 rately with respect to the liability to which such
13 election applies,

14 “(B) an election under subsection (h) with
15 respect to such liability shall be treated as timely
16 made if made not later than the due date for the
17 return of tax for the taxable year in which the
18 triggering event with respect to such liability oc-
19 curs,

20 “(C) the first installment under subsection
21 (h) with respect to such liability shall be paid
22 not later than such due date (but determined
23 without regard to any extension of time for filing
24 the return), and

1 “(D) if the triggering event with respect to
2 any net tax liability is described in paragraph
3 (2)(A)(ii), an election under subsection (h) with
4 respect to such liability may be made only with
5 the consent of the Secretary.

6 “(5) *JOINT AND SEVERAL LIABILITY OF S COR-*
7 *PORATION.*—If any shareholder of an S corporation
8 elects to defer payment under paragraph (1), such S
9 corporation shall be jointly and severally liable for
10 such payment and any penalty, addition to tax, or
11 additional amount attributable thereto.

12 “(6) *EXTENSION OF LIMITATION ON COLLEC-*
13 *TION.*—Any limitation on the time period for the col-
14 lection of a liability deferred under this subsection
15 shall not be treated as beginning before the date of the
16 triggering event with respect to such liability.

17 “(7) *ANNUAL REPORTING OF NET TAX LIABIL-*
18 *ITY.*—

19 “(A) *IN GENERAL.*—Any shareholder of an
20 S corporation which makes an election under
21 paragraph (1) shall report the amount of such
22 shareholder’s deferred net tax liability on such
23 shareholder’s return of tax for the taxable year
24 for which such election is made and on the re-
25 turn of tax for each taxable year thereafter until

1 *such amount has been fully assessed on such re-*
2 *turns.*

3 “(B) *DEFERRED NET TAX LIABILITY.*—*For*
4 *purposes of this paragraph, the term ‘deferred*
5 *net tax liability’ means, with respect to any tax-*
6 *able year, the amount of net tax liability pay-*
7 *ment of which has been deferred under para-*
8 *graph (1) and which has not been assessed on a*
9 *return of tax for any prior taxable year.*

10 “(C) *FAILURE TO REPORT.*—*In the case of*
11 *any failure to report any amount required to be*
12 *reported under subparagraph (A) with respect to*
13 *any taxable year before the due date for the re-*
14 *turn of tax for such taxable year, there shall be*
15 *assessed on such return as an addition to tax 5*
16 *percent of such amount.*

17 “(8) *ELECTION.*—*Any election under paragraph*
18 *(1)—*

19 *“(A) shall be made by the shareholder of the*
20 *S corporation not later than the due date for*
21 *such shareholder’s return of tax for the taxable*
22 *year which includes the close of the taxable year*
23 *of such S corporation in which the amount de-*
24 *scribed in subsection (a) is taken into account,*
25 *and*

1 “(B) shall be made in such manner as the
2 Secretary shall provide.

3 “(j) *REPORTING BY S CORPORATION.*—Each S cor-
4 poration which is a United States shareholder of a specified
5 foreign corporation shall report in its return of tax under
6 section 6037(a) the amount includible in its gross income
7 for such taxable year by reason of this section and the
8 amount of the deduction allowable by subsection (b). Any
9 copy provided to a shareholder under section 6037(b) shall
10 include a statement of such shareholder’s pro rata share of
11 such amounts.

12 “(k) *EXTENSION OF LIMITATION ON ASSESSMENT.*—
13 Notwithstanding section 6501, the limitation on the time
14 period for the assessment of the net tax liability under this
15 section (as defined in subsection (h)(6)) shall not expire be-
16 fore the date that is 6 years after the return for the taxable
17 year described in such subsection was filed.

18 “(l) *RECAPTURE FOR EXPATRIATED ENTITIES.*—

19 “(1) *IN GENERAL.*—If a deduction is allowed
20 under subsection (c) to a United States shareholder
21 and such shareholder first becomes an expatriated en-
22 tity at any time during the 10-year period beginning
23 on the date of the enactment of the Tax Cuts and Jobs
24 Act, then—

1 “(A) the tax imposed by this chapter shall
2 be increased for the first taxable year in which
3 such taxpayer becomes an expatriated entity by
4 an amount equal to 35 percent of the amount of
5 the deduction allowed to the specified foreign cor-
6 poration under subsection (c), and

7 “(B) no credits shall be allowed against the
8 increase in tax under subparagraph (A).

9 “(2) *EXPATRIATED ENTITY.*—For purposes of
10 this subsection, the term ‘expatriated entity’ has the
11 same meaning given such term under section
12 7874(a)(2), except that such term shall not include an
13 entity if the surrogate foreign corporation with re-
14 spect to the entity is treated as a domestic corpora-
15 tion under section 7874(b).

16 “(m) *SPECIAL RULES FOR UNITED STATES SHARE-*
17 *HOLDERS WHICH ARE REAL ESTATE INVESTMENT*
18 *TRUSTS.*—

19 “(1) *IN GENERAL.*—If a real estate investment
20 trust is a United States shareholder in 1 or more de-
21 ferred foreign income corporations—

22 “(A) any amount required to be taken into
23 account under section 951(a)(1) by reason of this
24 section shall not be taken into account as gross
25 income of the real estate investment trust for

1 *purposes of applying paragraphs (2) and (3) of*
2 *section 856(c) to any taxable year for which such*
3 *amount is taken into account under section*
4 *951(a)(1), and*

5 *“(B) if the real estate investment trust elects*
6 *the application of this subparagraph, notwith-*
7 *standing subsection (a), any amount required to*
8 *be taken into account under section 951(a)(1) by*
9 *reason of this section shall, in lieu of the taxable*
10 *year in which it would otherwise be included in*
11 *gross income ((for purposes of the computation of*
12 *real estate investment trust taxable income under*
13 *section 857(b)), be included in gross income as*
14 *follows:*

15 *“(i) 8 percent of such amount in the*
16 *case of each of the taxable years in the 5-*
17 *taxable year period beginning with the tax-*
18 *able year in which such amount would oth-*
19 *erwise be included.*

20 *“(ii) 15 percent of such amount in the*
21 *case of the 1st taxable year following such*
22 *period.*

23 *“(iii) 20 percent of such amount in the*
24 *case of the 2nd taxable year following such*
25 *period.*

1 “(iv) 25 percent of such amount in the
2 case of the 3rd taxable year following such
3 period.

4 “(2) *RULES FOR TRUSTS ELECTING DEFERRED*
5 *INCLUSION.—*

6 “(A) *ELECTION.—Any election under para-*
7 *graph (1)(B) shall be made not later than the*
8 *due date for the first taxable year in the 5-tax-*
9 *able year period described in clause (i) of para-*
10 *graph (1)(B) and shall be made in such manner*
11 *as the Secretary shall provide.*

12 “(B) *SPECIAL RULES.—If an election under*
13 *paragraph (1)(B) is in effect with respect to any*
14 *real estate investment trust, the following rules*
15 *shall apply:*

16 “(i) *APPLICATION OF PARTICIPATION*
17 *EXEMPTION.—For purposes of subsection*
18 *(c)(1)—*

19 “(I) *the aggregate amount to*
20 *which subparagraph (A) or (B) of sub-*
21 *section (c)(1) applies shall be deter-*
22 *mined without regard to the election,*

23 “(II) *each such aggregate amount*
24 *shall be allocated to each taxable year*
25 *described in paragraph (1)(B) in the*

1 same proportion as the amount in-
2 cluded in the gross income of such
3 United States shareholder under sec-
4 tion 951(a)(1) by reason of this section
5 is allocated to each such taxable year.

6 “(III) NO INSTALLMENT PAY-
7 MENTS.—The real estate investment
8 trust may not make an election under
9 subsection (g) for any taxable year de-
10 scribed in paragraph (1)(B).

11 “(ii) ACCELERATION OF INCLUSION.—
12 If there is a liquidation or sale of substan-
13 tially all the assets of the real estate invest-
14 ment trust (including in a title 11 or simi-
15 lar case), a cessation of business by such
16 trust, or any similar circumstance, then
17 any amount not yet included in gross in-
18 come under paragraph (1)(B) shall be in-
19 cluded in gross income as of the day before
20 the date of the event and the unpaid portion
21 of any tax liability with respect to such in-
22 clusion shall be due on the date of such
23 event (or in the case of a title 11 or similar
24 case, the day before the petition is filed).

1 “(n) *ELECTION NOT TO APPLY NET OPERATING LOSS*
2 *DEDUCTION.*—

3 “(1) *IN GENERAL.*—*If a United States share-*
4 *holder of a deferred foreign income corporation elects*
5 *the application of this subsection for the taxable year*
6 *described in subsection (a), then the amount described*
7 *in paragraph (2) shall not be taken into account—*

8 “(A) *in determining the amount of the net*
9 *operating loss deduction under section 172 of*
10 *such shareholder for such taxable year, or*

11 “(B) *in determining the amount of taxable*
12 *income for such taxable year which may be re-*
13 *duced by net operating loss carryovers or*
14 *carrybacks to such taxable year under section*
15 *172.*

16 “(2) *AMOUNT DESCRIBED.*—*The amount de-*
17 *scribed in this paragraph is the sum of—*

18 “(A) *the amount required to be taken into*
19 *account under section 951(a)(1) by reason of this*
20 *section (determined after the application of sub-*
21 *section (c)), plus*

22 “(B) *in the case of a domestic corporation*
23 *which chooses to have the benefits of subpart A*
24 *of part III of subchapter N for the taxable year,*
25 *the taxes deemed to be paid by such corporation*

1 *under subsections (a) and (b) of section 960 for*
2 *such taxable year with respect to the amount de-*
3 *scribed in subparagraph (A) which are treated*
4 *as a dividends under section 78.*

5 “(3) *ELECTION.*—*Any election under this sub-*
6 *section shall be made not later than the due date (in-*
7 *cluding extensions) for filing the return of tax for the*
8 *taxable year and shall be made in such manner as the*
9 *Secretary shall prescribe.*

10 “(o) *REGULATIONS.*—*The Secretary shall prescribe*
11 *such regulations or other guidance as may be necessary or*
12 *appropriate to carry out the provisions of this section or*
13 *to prevent the avoidance of the purposes of this section, in-*
14 *cluding through a reduction in earnings and profits*
15 *through changes in entity classification, changes in ac-*
16 *counting methods, or otherwise.”.*

17 “(b) *CLERICAL AMENDMENT.*—*The table of sections for*
18 *subpart F of part III of subchapter N of chapter 1 is*
19 *amended by striking the item relating to section 965 and*
20 *inserting the following:*

 “Sec. 965. *Treatment of deferred foreign income upon transition to participation*
 exemption system of taxation.”.

1 “(A) such shareholder’s net CFC tested in-
2 come for such taxable year, over

3 “(B) such shareholder’s net deemed tangible
4 income return for such taxable year.

5 “(2) NET DEEMED TANGIBLE INCOME RETURN.—

6 *The term ‘net deemed tangible income return’ means,*
7 *with respect to any United States shareholder for any*
8 *taxable year, an amount equal to 10 percent of the*
9 *aggregate of such shareholder’s pro rata share of the*
10 *qualified business asset investment of each controlled*
11 *foreign corporation with respect to which such share-*
12 *holder is a United States shareholder for such taxable*
13 *year (determined for each taxable year of each such*
14 *controlled foreign corporation which ends in or with*
15 *such taxable year of such United States shareholder).*

16 “(c) NET CFC TESTED INCOME.—*For purposes of this*
17 *section—*

18 “(1) IN GENERAL.—*The term ‘net CFC tested in-*
19 *come’ means, with respect to any United States share-*
20 *holder for any taxable year of such United States*
21 *shareholder, the excess (if any) of—*

22 “(A) *the aggregate of such shareholder’s pro*
23 *rata share of the tested income of each controlled*
24 *foreign corporation with respect to which such*
25 *shareholder is a United States shareholder for*

1 *such taxable year of such United States share-*
2 *holder (determined for each taxable year of such*
3 *controlled foreign corporation which ends in or*
4 *with such taxable year of such United States*
5 *shareholder), over*

6 *“(B) the aggregate of such shareholder’s pro*
7 *rata share of the tested loss of each controlled for-*
8 *foreign corporation with respect to which such*
9 *shareholder is a United States shareholder for*
10 *such taxable year of such United States share-*
11 *holder (determined for each taxable year of such*
12 *controlled foreign corporation which ends in or*
13 *with such taxable year of such United States*
14 *shareholder).*

15 *“(2) TESTED INCOME; TESTED LOSS.—For pur-*
16 *poses of this section—*

17 *“(A) TESTED INCOME.—The term ‘tested in-*
18 *come’ means, with respect to any controlled for-*
19 *foreign corporation for any taxable year of such*
20 *controlled foreign corporation, the excess (if any)*
21 *of—*

22 *“(i) the gross income of such corpora-*
23 *tion determined without regard to—*

24 *“(I) any item of income described*
25 *in section 952(b),*

1 “(II) any gross income taken into
2 account in determining the subpart F
3 income of such corporation,

4 “(III) any gross income excluded
5 from the foreign base company income
6 (as defined in section 954) and the in-
7 surance income (as defined in section
8 953) of such corporation by reason of
9 section 954(b)(4),

10 “(IV) any dividend received from
11 a related person (as defined in section
12 954(d)(3)), and

13 “(V) any foreign oil and gas ex-
14 traction income (as defined in section
15 907(c)(1)) of such corporation, over

16 “(ii) the deductions (including taxes)
17 properly allocable to such gross income
18 under rules similar to the rules of section
19 954(b)(5).

20 “(B) TESTED LOSS.—

21 “(i) IN GENERAL.—The term ‘tested
22 loss’ means, with respect to any controlled
23 foreign corporation for any taxable year of
24 such controlled foreign corporation, the ex-
25 cess (if any) of the amount described in sub-

1 paragraph (A)(ii) over the amount de-
2 scribed in subparagraph (A)(i).

3 “(ii) COORDINATION WITH SUBPART F
4 TO DENY DOUBLE BENEFIT OF LOSSES.—
5 Section 952(c)(1)(A) shall be applied by in-
6 creasing the earnings and profits of the con-
7 trolled foreign corporation by the tested loss
8 of such corporation.

9 “(d) QUALIFIED BUSINESS ASSET INVESTMENT.—For
10 purposes of this section—

11 “(1) IN GENERAL.—The term ‘qualified business
12 asset investment’ means, with respect to any corpora-
13 tion for any taxable year of such controlled foreign
14 corporation, the average of the aggregate of the cor-
15 poration’s adjusted bases as of the close of each quar-
16 ter of such taxable year in specified tangible prop-
17 erty—

18 “(A) used in a trade or business of the cor-
19 poration, and

20 “(B) of a type with respect to which a de-
21 duction is allowable under section 167.

22 “(2) SPECIFIED TANGIBLE PROPERTY.—

23 “(A) IN GENERAL.—The term ‘specified tan-
24 gible property’ means, except as provided in sub-

1 *paragraph (B), any tangible property used in*
2 *the production of tested income.*

3 “(B) *DUAL USE PROPERTY.*—*In the case of*
4 *property used both in the production of tested in-*
5 *come and income which is not tested income,*
6 *such property shall be treated as specified tan-*
7 *gible property in the same proportion that the*
8 *gross income described in subsection (c)(1)(A)*
9 *produced with respect to such property bears to*
10 *the total gross income produced with respect to*
11 *such property.*

12 “(3) *DETERMINATION OF ADJUSTED BASIS.*—*For*
13 *purposes of this subsection, notwithstanding any pro-*
14 *vision of this title (or any other provision of law)*
15 *which is enacted after the date of the enactment of*
16 *this section, the adjusted basis in any property shall*
17 *be determined using the alternative depreciation sys-*
18 *tem under section 168(g).*

19 “(4) *REGULATIONS.*—*The Secretary shall issue*
20 *such regulations or other guidance as the Secretary*
21 *determines appropriate to prevent the avoidance of*
22 *the purposes of this subsection, including regulations*
23 *or other guidance which provide for the treatment of*
24 *property if—*

1 “(A) such property is transferred, or held,
2 temporarily, or

3 “(B) the avoidance of the purposes of this
4 paragraph is a factor in the transfer or holding
5 of such property.

6 “(e) DETERMINATION OF PRO RATA SHARE, ETC.—
7 For purposes of this section—

8 “(1) IN GENERAL.—The pro rata shares referred
9 to in subsections (b), (c)(1)(A), and (c)(1)(B), respec-
10 tively, shall be determined under the rules of section
11 951(a)(2) in the same manner as such section applies
12 to subpart F income and shall be taken into account
13 in the taxable year of the United States shareholder
14 in which or with which the taxable year of the con-
15 trolled foreign corporation ends.

16 “(2) TREATMENT AS UNITED STATES SHARE-
17 HOLDER.—For purposes of paragraph (1), a person
18 shall be treated as a United States shareholder of a
19 controlled foreign corporation for any taxable year
20 only if such person owns (within the meaning of sec-
21 tion 958(a)) stock in such foreign corporation on the
22 last day, in such year, on which such foreign corpora-
23 tion is a controlled foreign corporation.

24 “(3) TREATMENT AS CONTROLLED FOREIGN COR-
25 PORATION.—A foreign corporation shall be treated as

1 *a controlled foreign corporation for any taxable year*
2 *if such foreign corporation is a controlled foreign cor-*
3 *poration at any time during such taxable year.*

4 “(f) *TREATMENT AS SUBPART F INCOME FOR CERTAIN*
5 *PURPOSES.—*

6 “(1) *IN GENERAL.—*

7 “(A) *APPLICATION.—Except as provided in*
8 *subparagraph (B), any global intangible low-*
9 *taxed income included in gross income under*
10 *subsection (a) shall be treated in the same man-*
11 *ner as an amount included under section*
12 *951(a)(1)(A) for purposes of applying sections*
13 *168(h)(2)(B), 535(b)(10), 851(b), 904(h)(1), 959,*
14 *961, 962(c), 962(d), 993(a)(1)(E), 996(f)(1),*
15 *1248(b)(1), 1248(d)(1), 6501(e)(1)(C),*
16 *6654(d)(2)(D), and 6655(e)(4).*

17 “(B) *EXCEPTION.—The Secretary shall pro-*
18 *vide rules for the application of subparagraph*
19 *(A) to other provisions of this title in any case*
20 *in which the determination of subpart F income*
21 *is required to be made at the level of the con-*
22 *trolled foreign corporation.*

23 “(2) *ALLOCATION OF GLOBAL INTANGIBLE LOW-*
24 *TAXED INCOME TO CONTROLLED FOREIGN CORPORA-*
25 *TIONS.—For purposes of the sections referred to in*

1 paragraph (1), with respect to any controlled foreign
2 corporation any pro rata amount from which is taken
3 into account in determining the global intangible low-
4 taxed income included in gross income of a United
5 States shareholder under subsection (a), the portion of
6 such global intangible low-taxed income which is
7 treated as being with respect to such controlled foreign
8 corporation is—

9 “(A) in the case of a controlled foreign cor-
10 poration with no tested income, zero, and

11 “(B) in the case of a controlled foreign cor-
12 poration with tested income, the portion of such
13 global intangible low-taxed income which bears
14 the same ratio to such global intangible low-
15 taxed income as—

16 “(i) such United States shareholder’s
17 pro rata amount of the tested income of
18 such controlled foreign corporation, bears to

19 “(ii) the aggregate amount described in
20 subsection (c)(1)(A) with respect to such
21 United States shareholder.”.

22 (b) FOREIGN TAX CREDIT.—

23 (1) APPLICATION OF DEEMED PAID FOREIGN TAX
24 CREDIT.—Section 960 is amended adding at the end
25 the following new subsection:

1 “(d) *DEEMED PAID CREDIT FOR TAXES PROPERLY*
2 *ATTRIBUTABLE TO TESTED INCOME.*—

3 “(1) *IN GENERAL.*—*For purposes of this subpart,*
4 *if any amount is includible in the gross income of a*
5 *domestic corporation under section 951A, such domes-*
6 *tic corporation shall be deemed to have paid foreign*
7 *income taxes equal to 80 percent of the product of—*

8 “(A) *such domestic corporation’s inclusion*
9 *percentage, multiplied by*

10 “(B) *the aggregate tested foreign income*
11 *taxes paid or accrued by controlled foreign cor-*
12 *porations.*

13 “(2) *INCLUSION PERCENTAGE.*—*For purposes of*
14 *paragraph (1), the term ‘inclusion percentage’ means,*
15 *with respect to any domestic corporation, the ratio*
16 *(expressed as a percentage) of—*

17 “(A) *such corporation’s global intangible*
18 *low-taxed income (as defined in section 951A(b)),*
19 *divided by*

20 “(B) *the aggregate amount described in sec-*
21 *tion 951A(c)(1)(A) with respect to such corpora-*
22 *tion.*

23 “(3) *TESTED FOREIGN INCOME TAXES.*—*For*
24 *purposes of paragraph (1), the term ‘tested foreign in-*
25 *come taxes’ means, with respect to any domestic cor-*

1 *poration which is a United States shareholder of a*
2 *controlled foreign corporation, the foreign income*
3 *taxes paid or accrued by such foreign corporation*
4 *which are properly attributable to the tested income*
5 *of such foreign corporation taken into account by such*
6 *domestic corporation under section 951A.”.*

7 (2) *APPLICATION OF FOREIGN TAX CREDIT LIM-*
8 *TATION.—*

9 (A) *SEPARATE BASKET FOR GLOBAL INTAN-*
10 *GIBLE LOW-TAXED INCOME.—Section 904(d)(1)*
11 *is amended by redesignating subparagraphs (A)*
12 *and (B) as subparagraphs (B) and (C), respec-*
13 *tively, and by inserting before subparagraph (B)*
14 *(as so redesignated) the following new subpara-*
15 *graph:*

16 *“(A) any amount includible in gross income*
17 *under section 951A (other than passive category*
18 *income),”.*

19 (B) *EXCLUSION FROM GENERAL CATEGORY*
20 *INCOME.—Section 904(d)(2)(A)(ii) is amended*
21 *by inserting “income described in paragraph*
22 *(1)(A) and” before “passive category income”.*

23 (C) *NO CARRYOVER OR CARRYBACK OF EX-*
24 *CESS TAXES.—Section 904(c) is amended by*
25 *adding at the end the following: “This subsection*

1 *shall not apply to taxes paid or accrued with re-*
2 *spect to amounts described in subsection*
3 *(d)(1)(A).”.*

4 *(c) CLERICAL AMENDMENT.—The table of sections for*
5 *subpart F of part III of subchapter N of chapter 1 is*
6 *amended by inserting after the item relating to section 951*
7 *the following new item:*

“Sec. 951A. Global intangible low-taxed income included in gross income of
 United States shareholders.”.

8 *(d) EFFECTIVE DATE.—The amendments made by this*
9 *section shall apply to taxable years of foreign corporations*
10 *beginning after December 31, 2017, and to taxable years*
11 *of United States shareholders in which or with which such*
12 *taxable years of foreign corporations end.*

13 **SEC. 14202. DEDUCTION FOR FOREIGN-DERIVED INTAN-**
14 **GIBLE INCOME AND GLOBAL INTANGIBLE**
15 **LOW-TAXED INCOME.**

16 *(a) IN GENERAL.—Part VIII of subchapter B of chap-*
17 *ter 1 is amended by adding at the end the following new*
18 *section:*

19 **“SEC. 250. FOREIGN-DERIVED INTANGIBLE INCOME AND**
20 **GLOBAL INTANGIBLE LOW-TAXED INCOME.**

21 *“(a) ALLOWANCE OF DEDUCTION.—*

22 *“(1) IN GENERAL.—In the case of a domestic*
23 *corporation for any taxable year, there shall be al-*

1 *lowed as a deduction an amount equal to the sum*
2 *of—*

3 *“(A) 37.5 percent of the foreign-derived in-*
4 *tangible income of such domestic corporation for*
5 *such taxable year, plus*

6 *“(B) 50 percent of the global intangible low-*
7 *taxed income amount (if any) which is included*
8 *in the gross income of such domestic corporation*
9 *under section 951A for such taxable year.*

10 *“(2) LIMITATION BASED ON TAXABLE INCOME.—*

11 *“(A) IN GENERAL.—If, for any taxable*
12 *year—*

13 *“(i) the sum of the foreign-derived in-*
14 *tangible income and the global intangible*
15 *low-taxed income amount otherwise taken*
16 *into account by the domestic corporation*
17 *under paragraph (1), exceeds*

18 *“(ii) the taxable income of the domestic*
19 *corporation (determined without regard to*
20 *this section),*

21 *then the amount of the foreign-derived intangible*
22 *income and the global intangible low-taxed in-*
23 *come amount so taken into account shall be re-*
24 *duced as provided in subparagraph (B).*

1 “(B) *REDUCTION.*—*For purposes of sub-*
2 *paragraph (A)—*

3 “(i) *foreign-derived intangible income*
4 *shall be reduced by an amount which bears*
5 *the same ratio to the excess described in*
6 *subparagraph (A) as such foreign-derived*
7 *intangible income bears to the sum de-*
8 *scribed in subparagraph (A)(i), and*

9 “(ii) *the global intangible low-taxed*
10 *income amount shall be reduced by the re-*
11 *mainder of such excess.*

12 “(3) *REDUCTION IN DEDUCTION FOR TAXABLE*
13 *YEARS AFTER 2025.*—*In the case of any taxable year*
14 *beginning after December 31, 2025, paragraph (1)*
15 *shall be applied by substituting—*

16 “(A) ‘21.875 percent’ for ‘37.5 percent’ in
17 *subparagraph (A), and*

18 “(B) ‘37.5 percent’ for ‘50 percent’ in sub-
19 *paragraph (B).*

20 “(b) *FOREIGN-DERIVED INTANGIBLE INCOME.*—*For*
21 *purposes of this section—*

22 “(1) *IN GENERAL.*—*The foreign-derived intan-*
23 *gible income of any domestic corporation is the*
24 *amount which bears the same ratio to the deemed in-*
25 *tangible income of such corporation as—*

1 “(A) *the foreign-derived deduction eligible*
2 *income of such corporation, bears to*

3 “(B) *the deduction eligible income of such*
4 *corporation.*

5 “(2) *DEEMED INTANGIBLE INCOME.—For pur-*
6 *poses of this subsection—*

7 “(A) *IN GENERAL.—The term ‘deemed in-*
8 *tangible income’ means the excess (if any) of—*

9 “(i) *the deduction eligible income of the*
10 *domestic corporation, over*

11 “(ii) *the deemed tangible income re-*
12 *turn of the corporation.*

13 “(B) *DEEMED TANGIBLE INCOME RE-*
14 *TURN.—The term ‘deemed tangible income re-*
15 *turn’ means, with respect to any corporation, an*
16 *amount equal to 10 percent of the corporation’s*
17 *qualified business asset investment (as defined in*
18 *section 951A(d), determined by substituting ‘de-*
19 *duction eligible income’ for ‘tested income’ in*
20 *paragraph (2) thereof).*

21 “(3) *DEDUCTION ELIGIBLE INCOME.—*

22 “(A) *IN GENERAL.—The term ‘deduction el-*
23 *igible income’ means, with respect to any domes-*
24 *tic corporation, the excess (if any) of—*

1 “(i) gross income of such corporation
2 determined without regard to—

3 “(I) the subpart F income of such
4 corporation determined under section
5 951,

6 “(II) the global intangible low-
7 taxed income determined under section
8 951A,

9 “(III) any financial services in-
10 come (as defined in section
11 904(d)(2)(D)) of such corporation
12 which is not described in clause (ii),

13 “(IV) any dividend received from
14 a corporation which is a controlled for-
15 eign corporation of such domestic cor-
16 poration,

17 “(V) any domestic oil and gas ex-
18 traction income of such corporation,
19 and

20 “(VI) any foreign branch income
21 (as defined in section 904(d)(2)(J)),
22 over

23 “(ii) the deductions (including taxes)
24 properly allocable to such gross income

1 under rules similar to the rules of section
2 954(b)(5).

3 “(B) *DOMESTIC OIL AND GAS EXTRACTION*
4 *INCOME.*—For purposes of subparagraph (A), the
5 term ‘domestic oil and gas extraction income’
6 means income described in section 907(c)(1), de-
7 termined by substituting ‘within the United
8 States’ for ‘without the United States’.

9 “(4) *FOREIGN-DERIVED DEDUCTION ELIGIBLE*
10 *INCOME.*—The term ‘foreign-derived deduction eligible
11 income’ means, with respect to any taxpayer for any
12 taxable year, any deduction eligible income of such
13 taxpayer which is derived in connection with—

14 “(A) property—

15 “(i) which is sold by the taxpayer to
16 any person who is not a United States per-
17 son, and

18 “(ii) which the taxpayer establishes to
19 the satisfaction of the Secretary is for a for-
20 eign use, or

21 “(B) services provided by the taxpayer
22 which the taxpayer establishes to the satisfaction
23 of the Secretary are provided to any person, or
24 with respect to property, not located within the
25 United States.

1 “(5) *RULES RELATING TO FOREIGN USE PROP-*
2 *ERTY OR SERVICES.—For purposes of this sub-*
3 *section—*

4 “(A) *FOREIGN USE.—The term ‘foreign use’*
5 *means any use, consumption, or disposition*
6 *which is not within the United States.*

7 “(B) *PROPERTY OR SERVICES PROVIDED TO*
8 *DOMESTIC INTERMEDIARIES.—*

9 “(i) *PROPERTY.—If a taxpayer sells*
10 *property to another person (other than a re-*
11 *lated party) for further manufacture or*
12 *other modification within the United States,*
13 *such property shall not be treated as sold*
14 *for a foreign use even if such other person*
15 *subsequently uses such property for a for-*
16 *ign use.*

17 “(ii) *SERVICES.—If a taxpayer pro-*
18 *vides services to another person (other than*
19 *a related party) located within the United*
20 *States, such services shall not be treated as*
21 *described in paragraph (4)(B) even if such*
22 *other person uses such services in providing*
23 *services which are so described.*

24 “(C) *SPECIAL RULES WITH RESPECT TO RE-*
25 *LATED PARTY TRANSACTIONS.—*

1 “(i) *SALES TO RELATED PARTIES.*—If
2 *property is sold to a related party who is*
3 *not a United States person, such sale shall*
4 *not be treated as for a foreign use unless—*

5 “(I) *such property is ultimately*
6 *sold by a related party, or used by a*
7 *related party in connection with prop-*
8 *erty which is sold or the provision of*
9 *services, to another person who is an*
10 *unrelated party who is not a United*
11 *States person, and*

12 “(II) *the taxpayer establishes to*
13 *the satisfaction of the Secretary that*
14 *such property is for a foreign use.*

15 *For purposes of this clause, a sale of prop-*
16 *erty shall be treated as a sale of each of the*
17 *components thereof.*

18 “(ii) *SERVICE PROVIDED TO RELATED*
19 *PARTIES.*—If a service is provided to a re-
20 *lated party who is not located in the United*
21 *States, such service shall not be treated de-*
22 *scribed in subparagraph (A)(i) unless the*
23 *taxpayer established to the satisfaction of*
24 *the Secretary that such service is not sub-*
25 *stantially similar to services provided by*

1 *such related party to persons located within*
2 *the United States.*

3 “(D) *RELATED PARTY.*—*For purposes of*
4 *this paragraph, the term ‘related party’ means*
5 *any member of an affiliated group as defined in*
6 *section 1504(a), determined—*

7 “(i) *by substituting ‘more than 50 per-*
8 *cent’ for ‘at least 80 percent’ each place it*
9 *appears, and*

10 “(ii) *without regard to paragraphs (2)*
11 *and (3) of section 1504(b).*

12 *Any person (other than a corporation) shall be*
13 *treated as a member of such group if such person*
14 *is controlled by members of such group (includ-*
15 *ing any entity treated as a member of such*
16 *group by reason of this sentence) or controls any*
17 *such member. For purposes of the preceding sen-*
18 *tence, control shall be determined under the rules*
19 *of section 954(d)(3).*

20 “(E) *SOLD.*—*For purposes of this sub-*
21 *section, the terms ‘sold’, ‘sells’, and ‘sale’ shall*
22 *include any lease, license, exchange, or other dis-*
23 *position.*

1 “(c) *REGULATIONS.*—*The Secretary shall prescribe*
2 *such regulations or other guidance as may be necessary or*
3 *appropriate to carry out the provisions of this section.*”.

4 (b) *CONFORMING AMENDMENTS.*—

5 (1) *Section 172(d), as amended by section 13011,*
6 *is amended by adding at the end the following new*
7 *paragraph:*

8 “(10) *DEDUCTION FOR FOREIGN-DERIVED INTAN-*
9 *GIBLE INCOME.*—*The deduction under section 250*
10 *shall not be allowed.*”.

11 (2) *Section 246(b)(1) is amended—*

12 (A) *by striking “and subsection (a) and (b)*
13 *of section 245” the first place it appears and in-*
14 *serting “, subsection (a) and (b) of section 245,*
15 *and section 250”,*

16 (B) *by striking “and subsection (a) and (b)*
17 *of section 245” the second place it appears and*
18 *inserting “subsection (a) and (b) of section 245,*
19 *and 250”.*

20 (3) *Section 469(i)(3)(F)(iii) is amended by strik-*
21 *ing “and 222” and inserting “222, and 250”.*

22 (4) *The table of sections for part VIII of sub-*
23 *chapter B of chapter 1 is amended by adding at the*
24 *end the following new item:*

“*Sec. 250. Foreign-derived intangible income and global intangible low-taxed in-*
come.”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2017.*

4 **SEC. 14203. SPECIAL RULES FOR TRANSFERS OF INTAN-**
5 **GIBLE PROPERTY FROM CONTROLLED FOR-**
6 **EIGN CORPORATIONS TO UNITED STATES**
7 **SHAREHOLDERS.**

8 (a) *IN GENERAL.*—*Subpart F of part III of subchapter*
9 *N of chapter 1 is amended by adding at the end the fol-*
10 *lowing new section:*

11 **“SEC. 966. TRANSFERS OF INTANGIBLE PROPERTY TO**
12 **UNITED STATES SHAREHOLDERS.**

13 “(a) *IN GENERAL.*—*In the case of any distribution of*
14 *intangible property which is held by a controlled foreign*
15 *corporation on the date of enactment of this section and*
16 *which is described in subsection (b)—*

17 “(1) *for purposes of part I of subchapter C and*
18 *any other provision of this title specified by the Sec-*
19 *retary, the fair market value of such property on the*
20 *date of such distribution shall be treated as not ex-*
21 *ceeding the adjusted basis of such property imme-*
22 *diately before such distribution, and*

23 “(2) *if the distribution is to a United States*
24 *shareholder and is not a dividend—*

1 “(A) *the United States shareholder’s ad-*
2 *justed basis in the stock of the controlled foreign*
3 *corporation with respect to which such distribu-*
4 *tion is made shall be increased by the amount (if*
5 *any) of such distribution which would (but for*
6 *this subsection) be includible in gross income,*
7 *and*

8 “(B) *the adjusted basis of such property in*
9 *the hands of such United States shareholder im-*
10 *mediately after such distribution shall be such*
11 *adjusted basis immediately before such distribu-*
12 *tion reduced by the amount of the increase de-*
13 *scribed in subparagraph (A).*

14 “(b) *DISTRIBUTION.—A distribution is described in*
15 *this section if the distribution is—*

16 “(1) *received by a domestic corporation from a*
17 *controlled foreign corporation with respect to which*
18 *such corporation is a United States shareholder, and*

19 “(2) *made by the controlled foreign corporation*
20 *before the last day of the third taxable year of the con-*
21 *trolled foreign corporation beginning after December*
22 *31, 2017.*

23 “(c) *INTANGIBLE PROPERTY.—For purposes of this*
24 *subsection, the term ‘intangible property’ has the meaning*

1 *given such term by section 936(h)(3)(B) or which is com-*
 2 *puter software described in section 197(e)(3)(B).”.*

3 (b) *CONFORMING AMENDMENTS.—*

4 (1) *Section 197(f)(2)(B)(i) is amended by insert-*
 5 *ing “966(a),” after “731,”.*

6 (2) *The table of sections for subpart F of part III*
 7 *of subchapter N of chapter 1 is amended by adding*
 8 *at the end the following new item:*

“Sec. 966. Transfers of intangible property to United States shareholders.”.

9 (c) *EFFECTIVE DATE.—The amendments made by this*
 10 *section shall apply to distributions made in taxable years*
 11 *of foreign corporations beginning after December 31, 2017,*
 12 *and to taxable years of United States shareholders in which*
 13 *or with which such taxable years of foreign corporations*
 14 *end.*

15 **CHAPTER 2—OTHER MODIFICATIONS OF**
 16 **SUBPART F PROVISIONS**

17 **SEC. 14211. ELIMINATION OF INCLUSION OF FOREIGN BASE**
 18 **COMPANY OIL RELATED INCOME.**

19 (a) *REPEAL.—Subsection (a) of section 954 is amend-*
 20 *ed—*

21 (1) *by inserting “and” at the end of paragraph*

22 (2),

23 (2) *by striking the comma at the end of para-*
 24 *graph (3) and inserting a period, and*

25 (3) *by striking paragraph (5).*

1 **(b) CONFORMING AMENDMENTS.**—

2 (1) *Section 952(c)(1)(B)(iii) is amended by*
3 *striking subclause (I) and redesignating subclauses*
4 *(II) through (V) as subclauses (I) through (IV), re-*
5 *spectively.*

6 (2) *Section 954(b) is amended—*

7 (A) *by striking the second sentence of para-*
8 *graph (4),*

9 (B) *by striking “the foreign base company*
10 *services income, and the foreign base company*
11 *oil related income” in paragraph (5) and insert-*
12 *ing “and the foreign base company services in-*
13 *come”, and*

14 (C) *by striking paragraph (6).*

15 (3) *Section 954 is amended by striking sub-*
16 *section (g).*

17 **(c) EFFECTIVE DATE.**—*The amendments made by this*
18 *section shall apply to taxable years of foreign corporations*
19 *beginning after December 31, 2017, and to taxable years*
20 *of United States shareholders with or within which such*
21 *taxable years of foreign corporations end.*

1 **SEC. 14212. INFLATION ADJUSTMENT OF DE MINIMIS EX-**
2 **CEPTION FOR FOREIGN BASE COMPANY IN-**
3 **COME.**

4 (a) *IN GENERAL.*—Section 954(b)(3) is amended by
5 adding at the end the following new subparagraph:

6 “(D) *INFLATION ADJUSTMENT.*—In the case
7 of any taxable year beginning after 2017, the
8 dollar amount in subparagraph (A)(ii) shall be
9 increased by an amount equal to—

10 “(i) such dollar amount, multiplied by

11 “(ii) the cost-of-living adjustment de-
12 termined under section 1(f)(3) for the cal-
13 endar year in which the taxable year be-
14 gins.

15 Any increase determined under the preceding
16 sentence shall be rounded to the nearest multiple
17 of \$50,000.”.

18 (b) *EFFECTIVE DATE.*—The amendments made by this
19 section shall apply to taxable years of foreign corporations
20 beginning after December 31, 2017, and to taxable years
21 of United States shareholders in which or with which such
22 taxable years of foreign corporations end.

1 **SEC. 14213. REPEAL OF INCLUSION BASED ON WITHDRAWAL**
2 **OF PREVIOUSLY EXCLUDED SUBPART F IN-**
3 **COME FROM QUALIFIED INVESTMENT.**

4 (a) *IN GENERAL.*—Subpart F of part III of subchapter
5 N of chapter 1 is amended by striking section 955.

6 (b) *CONFORMING AMENDMENTS.*—

7 (1)(A) Section 951(a)(1)(A) is amended to read
8 as follows:

9 “(A) his pro rata share (determined under
10 paragraph (2)) of the corporation’s subpart F
11 income for such year, and”.

12 (B) Section 851(b) is amended by striking “sec-
13 tion 951(a)(1)(A)(i)” in the flush language at the end
14 and inserting “section 951(a)(1)(A)”.

15 (C) Section 952(c)(1)(B)(i) is amended by strik-
16 ing “section 951(a)(1)(A)(i)” and inserting “section
17 951(a)(1)(A)”.

18 (D) Section 953(c)(1)(C) is amended by striking
19 “section 951(a)(1)(A)(i)” and inserting “section
20 951(a)(1)(A)”.

21 (2) Section 951(a) is amended by striking para-
22 graph (3).

23 (3) Section 953(d)(4)(B)(iv)(II) is amended by
24 striking “or amounts referred to in clause (ii) or (iii)
25 of section 951(a)(1)(A)”.

1 (4) Section 964(b) is amended by striking “,
2 955,”.

3 (5) Section 970 is amended by striking sub-
4 section (b).

5 (6) The table of sections for subpart F of part III
6 of subchapter N of chapter 1 is amended by striking
7 the item relating to section 955.

8 (c) *EFFECTIVE DATE.*—The amendments made by this
9 section shall apply to taxable years of foreign corporations
10 beginning after December 31, 2017, and to taxable years
11 of United States shareholders in which or with which such
12 taxable years of foreign corporations end.

13 **SEC. 14214. MODIFICATION OF STOCK ATTRIBUTION RULES**
14 **FOR DETERMINING STATUS AS A CON-**
15 **TROLLED FOREIGN CORPORATION.**

16 (a) *IN GENERAL.*—Section 958(b) is amended—

17 (1) by striking paragraph (4), and

18 (2) by striking “Paragraphs (1) and (4)” in the
19 last sentence and inserting “Paragraph (1)”.

20 (b) *EFFECTIVE DATE.*—The amendments made by this
21 section shall apply to—

22 (1) the last taxable year of foreign corporations
23 beginning before January 1, 2018, and each subse-
24 quent taxable year of such foreign corporations, and

1 (2) *taxable years of United States shareholders*
2 *in which or with which such taxable years of foreign*
3 *corporations end.*

4 **SEC. 14215. MODIFICATION OF DEFINITION OF UNITED**
5 **STATES SHAREHOLDER.**

6 (a) *IN GENERAL.*—Section 951(b) is amended by in-
7 serting “, or 10 percent or more of the total value of shares
8 of all classes of stock of such foreign corporation” after
9 “such foreign corporation”.

10 (b) *EFFECTIVE DATE.*—The amendment made by this
11 section shall apply to taxable years of foreign corporations
12 beginning after December 31, 2017, and to taxable years
13 of United States shareholders with or within which such
14 taxable years of foreign corporations end.

15 **SEC. 14216. ELIMINATION OF REQUIREMENT THAT COR-**
16 **PORATION MUST BE CONTROLLED FOR 30**
17 **DAYS BEFORE SUBPART F INCLUSIONS**
18 **APPLY.**

19 (a) *IN GENERAL.*—Section 951(a)(1) is amended by
20 striking “for an uninterrupted period of 30 days or more”
21 and inserting “at any time”.

22 (b) *EFFECTIVE DATE.*—The amendment made by this
23 section shall apply to taxable years of foreign corporations
24 beginning after December 31, 2017, and to taxable years

1 of United States shareholders with or within which such
2 taxable years of foreign corporations end.

3 **SEC. 14217. LOOK-THRU RULE FOR RELATED CONTROLLED**
4 **FOREIGN CORPORATIONS MADE PERMANENT.**

5 (a) *IN GENERAL.*—Paragraph (6) of section 954(c) is
6 amended by striking subparagraph (C).

7 (b) *EFFECTIVE DATE.*—The amendments made by this
8 section shall apply to taxable years of foreign corporations
9 beginning after December 31, 2017, and to taxable years
10 of United States shareholders in which or with which such
11 taxable years of foreign corporations end.

12 **SEC. 14218. CORPORATIONS ELIGIBLE FOR DEDUCTION FOR**
13 **DIVIDENDS FROM CONTROLLED FOREIGN**
14 **CORPORATIONS EXEMPT FROM SUBPART F**
15 **INCLUSION FOR INVESTMENT IN UNITED**
16 **STATES PROPERTY.**

17 (a) *IN GENERAL.*—Section 956(a) is amended by in-
18 serting “(other than a corporation)” after “United States
19 shareholder” in the matter preceding paragraph (1).

20 (b) *EFFECTIVE DATE.*—The amendment made by this
21 section shall apply to taxable years of controlled foreign cor-
22 porations ending after December 31, 2017, and to taxable
23 years of United States shareholders with or within which
24 such taxable years of controlled foreign corporations end.

1 **CHAPTER 3—PREVENTION OF BASE**
2 **EROSION**

3 **SEC. 14221. DENIAL OF DEDUCTION FOR INTEREST EX-**
4 **PENSE OF UNITED STATES SHAREHOLDERS**
5 **WHICH ARE MEMBERS OF WORLDWIDE AF-**
6 **FILIATED GROUPS WITH EXCESS DOMESTIC**
7 **INDEBTEDNESS.**

8 (a) *IN GENERAL.*—Section 163 is amended by redesi-
9 gating subsection (n) as subsection (o) and by inserting
10 after subsection (m) the following new subsection:

11 “(n) *DISALLOWANCE OF DEDUCTION FOR INTEREST*
12 *EXPENSE OF UNITED STATES SHAREHOLDERS WHICH ARE*
13 *MEMBERS OF WORLDWIDE AFFILIATED GROUPS WITH EX-*
14 *CESS DOMESTIC INDEBTEDNESS.*—

15 “(1) *IN GENERAL.*—*In the case of any domestic*
16 *corporation which is a member of a worldwide affili-*
17 *ated group, the deduction allowed under this chapter*
18 *for interest paid or accrued by such domestic corpora-*
19 *tion during the taxable year shall be reduced by the*
20 *product of—*

21 “(A) *the net interest expense of such domes-*
22 *tic corporation, multiplied by*

23 “(B) *the debt-to-equity differential percent-*
24 *age of such worldwide affiliated group.*

1 “(2) *CARRYFORWARD.*—Any amount disallowed
2 under paragraph (1) for any taxable year shall be
3 treated as interest paid or accrued in the succeeding
4 taxable year.

5 “(3) *DEBT-TO-EQUITY DIFFERENTIAL PERCENT-*
6 *AGE.*—

7 “(A) *IN GENERAL.*—For purposes of this
8 subsection, the term ‘debt-to-equity differential
9 percentage’ means, with respect to any world-
10 wide affiliated group, the percentage which the
11 excess domestic indebtedness of such group bears
12 to the total indebtedness of the domestic corpora-
13 tions which are members of such group.

14 “(B) *EXCESS DOMESTIC INDEBTEDNESS.*—
15 For purposes of subparagraph (A), the term ‘ex-
16 cess domestic indebtedness’ means, with respect
17 to any worldwide affiliated group, the excess (if
18 any) of—

19 “(i) the total indebtedness of the do-
20 mestic corporations which are members of
21 such group, over

22 “(ii) 110 percent of the amount which
23 the total indebtedness of such domestic cor-
24 porations would be if the ratio of such in-

1 *debtedness to the total equity of such domes-*
2 *tic corporations equaled the ratio which—*

3 *“(I) the total indebtedness of such*
4 *group, bears to*

5 *“(II) the total equity of such*
6 *group.*

7 *“(C) TOTAL EQUITY.—For purposes of sub-*
8 *paragraph (B), the term ‘total equity’ means,*
9 *with respect to one or more corporations, an*
10 *amount equal to—*

11 *“(i) the sum of the money and all other*
12 *assets of such corporations, reduced (but not*
13 *below one) by*

14 *“(ii) the total indebtedness of such cor-*
15 *porations.*

16 *“(D) SPECIAL RULES FOR DETERMINING*
17 *DEBT AND EQUITY.—*

18 *“(i) IN GENERAL.—For purposes of*
19 *this paragraph—*

20 *“(I) the amount taken into ac-*
21 *count with respect to any asset shall be*
22 *the adjusted basis thereof for purposes*
23 *of determining gain,*

24 *“(II) the amount taken into ac-*
25 *count with respect to any indebtedness*

1 with original issue discount shall be its
2 issue price plus the portion of the
3 original issue discount previously ac-
4 crued as determined under the rules of
5 section 1272 (determined without re-
6 gard to subsection (a)(7) or (b)(4)
7 thereof), and

8 “(III) there shall be such other ad-
9 justments as the Secretary shall by reg-
10 ulations prescribe.

11 “(ii) *INTRAGROUP DEBT AND EQUITY*
12 *INTERESTS DISREGARDED.*—For purposes of
13 this paragraph, the total indebtedness, and
14 the assets, of any group of corporations
15 shall be determined by treating all members
16 of such group as one corporation.

17 “(iii) *DETERMINATION OF ASSETS OF*
18 *DOMESTIC GROUP.*—For purposes of this
19 paragraph, the assets of the domestic cor-
20 porations which are members of any world-
21 wide affiliated group shall be determined by
22 disregarding any interest held by any such
23 domestic corporation in any foreign cor-
24 poration which is a member of such group.

1 “(E) *PHASE IN OF PERCENTAGE USED IN*
 2 *DETERMINING EXCESS INDEBTEDNESS.—In the*
 3 *case of any taxable year beginning in a calendar*
 4 *year before 2022, the following percentages shall*
 5 *be substituted for ‘110 percent’ in applying sub-*
 6 *paragraph (B)(i):*

<i>“In the case of a taxable year beginning in:</i>	<i>The percentage is:</i>
2018	130
2019	125
2020	120
2021	115

7 “(4) *OTHER DEFINITIONS.—For purposes of this*
 8 *subsection—*

9 “(A) *WORLDWIDE AFFILIATED GROUP.—*
 10 *The term ‘worldwide affiliated group’ means a*
 11 *group consisting of the includible members of an*
 12 *affiliated group, as defined in section 1504(a),*
 13 *determined—*

14 “(i) *by substituting ‘more than 50 per-*
 15 *cent’ for ‘at least 80 percent’ each place it*
 16 *appears in such section, and*

17 “(ii) *without regard to paragraphs (2),*
 18 *(3), and (4) of section 1504(b).*

19 “(B) *NET INTEREST EXPENSE.—The term*
 20 *‘net interest expense’ means the excess (if any) of*

21 “(i) *the interest paid or accrued by the*
 22 *taxpayer during the taxable year, over*

1 “(ii) the amount of interest includible
2 in the gross income of such taxpayer for
3 such taxable year.

4 The Secretary shall by regulations provide for
5 adjustments in determining the amount of net
6 interest expense if necessary.

7 “(5) TREATMENT OF AFFILIATED GROUP.—For
8 purposes of this subsection, all members of the same
9 affiliated group (within the meaning of section
10 1504(a) applied by substituting ‘more than 50 per-
11 cent’ for ‘at least 80 percent’ each place it appears)
12 shall be treated as one taxpayer.

13 “(6) REGULATIONS.—The Secretary shall pre-
14 scribe such regulations or other guidance as may be
15 appropriate to carry out the purposes of this sub-
16 section, including regulations or other guidance—

17 “(A) to prevent the avoidance of the pur-
18 poses of this subsection,

19 “(B) providing such adjustments in the case
20 of corporations which are members of an affili-
21 ated group as may be appropriate to carry out
22 the purposes of this subsection,

23 “(C) providing for the coordination of this
24 subsection with section 884,

1 “(D) providing for the reallocation of shares
2 of partnership indebtedness, or distributive
3 shares of the partnership’s interest income or in-
4 terest expense, and

5 “(E) providing for the coordination with
6 the limitation under subsection (j).”.

7 (b) *EFFECTIVE DATE.*—The amendments made by this
8 section shall apply to taxable years beginning after Decem-
9 ber 31, 2017.

10 **SEC. 14222. LIMITATIONS ON INCOME SHIFTING THROUGH**
11 **INTANGIBLE PROPERTY TRANSFERS.**

12 (a) *DEFINITION OF INTANGIBLE ASSET.*—Section
13 936(h)(3)(B) is amended—

14 (1) by striking “or” at the end of clause (v),

15 (2) by striking clause (vi) and inserting the fol-
16 lowing:

17 “(vi) any goodwill, going concern
18 value, or workforce in place (including its
19 composition and terms and conditions (con-
20 tractual or otherwise) of its employment); or

21 “(vii) any other item the value or po-
22 tential value of which is not attributable to
23 tangible property or the services of any in-
24 dividual.”, and

1 (3) *by striking the flush language after clause*
2 *(vii), as added by paragraph (2).*

3 (b) *CLARIFICATION OF ALLOWABLE VALUATION METH-*
4 *ODS.—*

5 (1) *FOREIGN CORPORATIONS.—Section 367(d)(2)*
6 *is amended by adding at the end the following new*
7 *subparagraph:*

8 “(D) *REGULATORY AUTHORITY.—For pur-*
9 *poses of the last sentence of subparagraph (A),*
10 *the Secretary shall require—*

11 “(i) *the valuation of transfers of intan-*
12 *gible property, including intangible prop-*
13 *erty transferred with other property or serv-*
14 *ices, on an aggregate basis, or*

15 “(ii) *the valuation of such a transfer*
16 *on the basis of the realistic alternatives to*
17 *such a transfer,*

18 *if the Secretary determines that such basis is the*
19 *most reliable means of valuation of such trans-*
20 *fers.”.*

21 (2) *ALLOCATION AMONG TAXPAYERS.—Section*
22 *482 is amended by adding at the end the following:*
23 *“For purposes of this section, the Secretary shall re-*
24 *quire the valuation of transfers of intangible property*
25 *(including intangible property transferred with other*

1 *property or services) on an aggregate basis or the*
2 *valuation of such a transfer on the basis of the real-*
3 *istic alternatives to such a transfer, if the Secretary*
4 *determines that such basis is the most reliable means*
5 *of valuation of such transfers.”.*

6 *(c) EFFECTIVE DATE.—*

7 *(1) IN GENERAL.—The amendments made by*
8 *this section shall apply to transfers in taxable years*
9 *beginning after December 31, 2017.*

10 *(2) NO INFERENCE.—Nothing in the amendment*
11 *made by subsection (a) shall be construed to create*
12 *any inference with respect to the application of sec-*
13 *tion 936(h)(3) of the Internal Revenue Code of 1986,*
14 *or the authority of the Secretary of the Treasury to*
15 *provide regulations for such application, with respect*
16 *to taxable years beginning before January 1, 2018.*

17 **SEC. 14223. CERTAIN RELATED PARTY AMOUNTS PAID OR**
18 **ACCRUED IN HYBRID TRANSACTIONS OR**
19 **WITH HYBRID ENTITIES.**

20 *(a) IN GENERAL.—Part IX of subchapter B of chapter*
21 *1 is amended by inserting after section 267 the following:*

1 **“SEC. 267A. CERTAIN RELATED PARTY AMOUNTS PAID OR**
2 **ACCRUED IN HYBRID TRANSACTIONS OR**
3 **WITH HYBRID ENTITIES.**

4 “(a) *IN GENERAL.*—No deduction shall be allowed
5 under this chapter for any disqualified related party
6 amount paid or accrued pursuant to a hybrid transaction
7 or by, or to, a hybrid entity.

8 “(b) *DISQUALIFIED RELATED PARTY AMOUNT.*—For
9 purposes of this section—

10 “(1) *DISQUALIFIED RELATED PARTY AMOUNT.*—
11 The term ‘disqualified related party amount’ means
12 any interest or royalty paid or accrued to a related
13 party to the extent that—

14 “(A) such amount is not included in the in-
15 come of such related party under the tax law of
16 the country of which such related party is a resi-
17 dent for tax purposes or is subject to tax, or

18 “(B) such related party is allowed a deduc-
19 tion with respect to such amount under the tax
20 law of such country.

21 Such term shall not include any payment to the ex-
22 tent such payment is included in the gross income of
23 a United States shareholder under section 951(a).

24 “(2) *RELATED PARTY.*—The term ‘related party’
25 means a related person as defined in section
26 954(d)(3), except that such section shall be applied

1 with respect to the person making the payment de-
2 scribed in paragraph (1) in lieu of the controlled for-
3 foreign corporation otherwise referred to in such section.

4 “(c) *HYBRID TRANSACTION*.—For purposes of this sec-
5 tion, the term ‘hybrid transaction’ means any transaction,
6 series of transactions, agreement, or instrument one or more
7 payments with respect to which are treated as interest or
8 royalties for purposes of this chapter and which are not so
9 treated for purposes the tax law of the foreign country of
10 which the recipient of such payment is resident for tax pur-
11 poses or is subject to tax.

12 “(d) *HYBRID ENTITY*.—For purposes of this section,
13 the term ‘hybrid entity’ means any entity which is either—

14 “(1) treated as fiscally transparent for purposes
15 of this chapter but not so treated for purposes of the
16 tax law of the foreign country of which the entity is
17 resident for tax purposes or is subject to tax, or

18 “(2) treated as fiscally transparent for purposes
19 of such tax law but not so treated for purposes of this
20 chapter.

21 “(e) *REGULATIONS*.—The Secretary shall issue such
22 regulations or other guidance as may be necessary or appro-
23 priate to carry out the purposes of this section, including
24 regulations or other guidance providing for—

1 “(1) rules for treating certain conduit arrange-
2 ments which involve a hybrid transaction or a hybrid
3 entity as subject to subsection (a),

4 “(2) rules for the application of this section to
5 foreign branches,

6 “(3) rules for treating certain structured trans-
7 actions as subject to subsection (a),

8 “(4) rules for treating a tax preference as an ex-
9 clusion from income for purposes of applying sub-
10 section (b)(1) if such tax preference has the effect of
11 reducing the generally applicable statutory rate by 25
12 percent or more,

13 “(5) rules for treating the entire amount of in-
14 terest or royalty paid or accrued to a related party
15 as a disqualified related party amount if such
16 amount is subject to a participation exemption sys-
17 tem or other system which provides for the exclusion
18 or deduction of a substantial portion of such amount,

19 “(6) rules for determining the tax residence of a
20 foreign entity if the entity is otherwise considered a
21 resident of more than one country or of no country,

22 “(7) exceptions from subsection (a) with respect
23 to—

24 “(A) cases in which the disqualified related
25 party amount is taxed under the laws of a for-

1 *eign country other than the country of which the*
2 *related party is a resident for tax purposes, and*

3 “(B) *other cases which the Secretary deter-*
4 *mines do not present a risk of eroding the Fed-*
5 *eral tax base,*

6 “(8) *requirements for record keeping and infor-*
7 *mation reporting in addition to any requirements*
8 *imposed by section 6038A.”.*

9 (b) *CONFORMING AMENDMENT.*—*The table of sections*
10 *for part IX of subchapter B of chapter 1 is amended by*
11 *inserting after the item relating to section 267 the following*
12 *new item:*

 “*Sec. 267A. Certain related party amounts paid or accrued in hybrid trans-*
 actions or with hybrid entities.”.

13 (c) *EFFECTIVE DATE.*—*The amendments made by this*
14 *section shall apply to taxable years beginning after Decem-*
15 *ber 31, 2017.*

16 **SEC. 14224. SHAREHOLDERS OF SURROGATE FOREIGN COR-**
17 **PORATIONS NOT ELIGIBLE FOR REDUCED**
18 **RATE ON DIVIDENDS.**

19 (a) *IN GENERAL.*—*Section 1(h)(11)(C)(iii) is amend-*
20 *ed—*

21 (1) *by striking “shall not include any foreign*
22 *corporation” and inserting “shall not include—*

23 *“(I) any foreign corporation”,*

1 (2) by striking the period at the end and insert-
2 ing “, and”, and

3 (3) by adding at the end the following new sub-
4 clause:

5 “(II) any corporation which is a
6 surrogate foreign corporation (as de-
7 fined in section 7874(a)(2)(B)) other
8 than a foreign corporation which is
9 treated as a domestic corporation
10 under section 7874(b).”.

11 (b) *EFFECTIVE DATE.*—The amendments made by this
12 section shall apply to dividends paid in taxable years begin-
13 ning after December 31, 2017.

14 **Subpart C—Modifications Related to Foreign Tax**
15 **Credit System**

16 **SEC. 14301. REPEAL OF SECTION 902 INDIRECT FOREIGN**
17 **TAX CREDITS; DETERMINATION OF SECTION**
18 **960 CREDIT ON CURRENT YEAR BASIS.**

19 (a) *REPEAL OF SECTION 902 INDIRECT FOREIGN TAX*
20 *CREDITS.*—Subpart A of part III of subchapter N of chap-
21 ter 1 is amended by striking section 902.

22 (b) *DETERMINATION OF SECTION 960 CREDIT ON CUR-*
23 *RENT YEAR BASIS.*—Section 960, as amended by section
24 14201, is amended—

1 (1) *by striking subsection (c), by redesignating*
2 *subsection (b) as subsection (c), by striking all that*
3 *precedes subsection (c) (as so redesignated) and in-*
4 *serting the following:*

5 **“SEC. 960. DEEMED PAID CREDIT FOR SUBPART F INCLU-**
6 **SIONS.**

7 “(a) *IN GENERAL.—For purposes of this subpart, if*
8 *there is included in the gross income of a domestic corpora-*
9 *tion any item of income under section 951(a)(1) with re-*
10 *spect to any controlled foreign corporation with respect to*
11 *which such domestic corporation is a United States share-*
12 *holder, such domestic corporation shall be deemed to have*
13 *paid so much of such foreign corporation’s foreign income*
14 *taxes as are properly attributable to such item of income.*

15 “(b) *SPECIAL RULES FOR DISTRIBUTIONS FROM PRE-*
16 *VIOUSLY TAXED EARNINGS AND PROFITS.—For purposes of*
17 *this subpart—*

18 “(1) *IN GENERAL.—If any portion of a distribu-*
19 *tion from a controlled foreign corporation to a domes-*
20 *tic corporation which is a United States shareholder*
21 *with respect to such controlled foreign corporation is*
22 *excluded from gross income under section 959(a), such*
23 *domestic corporation shall be deemed to have paid so*
24 *much of such foreign corporation’s foreign income*
25 *taxes as—*

1 “(A) are properly attributable to such por-
2 tion, and

3 “(B) have not been deemed to have to been
4 paid by such domestic corporation under this
5 section for the taxable year or any prior taxable
6 year.

7 “(2) *TIERED CONTROLLED FOREIGN CORPORA-*
8 *TIONS.—If section 959(b) applies to any portion of a*
9 *distribution from a controlled foreign corporation to*
10 *another controlled foreign corporation, such controlled*
11 *foreign corporation shall be deemed to have paid so*
12 *much of such other controlled foreign corporation’s*
13 *foreign income taxes as—*

14 “(A) are properly attributable to such por-
15 tion, and

16 “(B) have not been deemed to have been
17 paid by a domestic corporation under this sec-
18 tion for any prior taxable year.”,

19 (2) and by adding after subsection (d) (as added
20 by section 14201) the following new subsections:

21 “(e) *FOREIGN INCOME TAXES.—The term ‘foreign in-*
22 *come taxes’ means any income, war profits, or excess profits*
23 *taxes paid or accrued to any foreign country or possession*
24 *of the United States.*

1 “(f) *REGULATIONS.*—The Secretary shall prescribe
2 such regulations or other guidance as may be necessary or
3 appropriate to carry out the provisions of this section.”.

4 (c) *CONFORMING AMENDMENTS.*—

5 (1) *Section 78 is amended to read as follows:*

6 **“SEC. 78. GROSS UP FOR DEEMED PAID FOREIGN TAX CRED-**

7 **IT.**

8 *“If a domestic corporation chooses to have the benefits*
9 *of subpart A of part III of subchapter N (relating to foreign*
10 *tax credit) for any taxable year—*

11 *“(1) an amount equal to the taxes deemed to be*
12 *paid by such corporation under subsections (a) and*
13 *(b) of section 960 for such taxable year shall be treat-*
14 *ed for purposes of this title (other than section 960)*
15 *as an item of income required to be included in the*
16 *gross income of such domestic corporation under sec-*
17 *tion 951(a), and*

18 *“(2) an amount equal to the aggregate tested for-*
19 *foreign income taxes deemed paid by such corporation*
20 *under section 960(d) (determined without regard to*
21 *the phrase ‘80 percent of’ in paragraph (1) thereof)*
22 *shall be treated for purposes of this title (other than*
23 *section 960) as an addition to the global intangible*
24 *low-taxed income of such domestic corporation under*
25 *section 951A(a) for such taxable year.”.*

1 (2) Paragraph (4) of section 245(a) is amended
2 to read as follows:

3 “(4) *POST-1986 UNDISTRIBUTED EARNINGS.*—The
4 term ‘post-1986 undistributed earnings’ means the
5 amount of the earnings and profits of the foreign cor-
6 poration (computed in accordance with sections
7 964(a) and 986) accumulated in taxable years begin-
8 ning after December 31, 1986—

9 “(A) as of the close of the taxable year of the
10 foreign corporation in which the dividend is dis-
11 tributed, and

12 “(B) without diminution by reason of divi-
13 dends distributed during such taxable year.”.

14 (3) Section 245(a)(10)(C) is amended by striking
15 “902, 907, and 960” and inserting “907 and 960”.

16 (4) Sections 535(b)(1) and 545(b)(1) are each
17 amended by striking “section 902(a) or 960(a)(1)”
18 and inserting “section 960”.

19 (5) Section 814(f)(1) is amended—

20 (A) by striking subparagraph (B), and

21 (B) by striking all that precedes “No in-
22 come” and inserting the following:

23 “(1) *TREATMENT OF FOREIGN TAXES.*—”.

24 (6) Section 865(h)(1)(B) is amended by striking
25 “902, 907,” and inserting “907”.

1 (7) Section 901(a) is amended by striking “sec-
2 tions 902 and 960” and inserting “section 960”.

3 (8) Section 901(e)(2) is amended by striking
4 “but is not limited to—” and all that follows through
5 “that portion” and inserting “but is not limited to
6 that portion”.

7 (9) Section 901(f) is amended by striking “sec-
8 tions 902 and 960” and inserting “section 960”.

9 (10) Section 901(j)(1)(A) is amended by striking
10 “902 or”.

11 (11) Section 901(j)(1)(B) is amended by striking
12 “sections 902 and 960” and inserting “section 960”.

13 (12) Section 901(k)(2) is amended by striking “,
14 902,”.

15 (13) Section 901(k)(6) is amended by striking
16 “902 or”.

17 (14) Section 901(m)(1) is amended by striking
18 “relevant foreign assets—” and all that follows and
19 inserting “relevant foreign assets shall not be taken
20 into account in determining the credit allowed under
21 subsection (a).”.

22 (15) Section 904(d)(6)(A) is amended by striking
23 “902, 907,” and inserting “907”.

1 (16) Section 904(h)(10)(A) is amended by strik-
2 ing “sections 902, 907, and 960” and inserting “sec-
3 tions 907 and 960”.

4 (17) Section 904(k) is amended to read as fol-
5 lows:

6 “(k) *CROSS REFERENCES.*—For increase of limitation
7 under subsection (a) for taxes paid with respect to amounts
8 received which were included in the gross income of the tax-
9 payer for a prior taxable year as a United States share-
10 holder with respect to a controlled foreign corporation, see
11 section 960(c).”.

12 (18) Section 905(c)(1) is amended by striking
13 the last sentence.

14 (19) Section 905(c)(2)(B)(i) is amended to read
15 as follows:

16 “(i) shall be taken into account for the
17 taxable year to which such taxes relate,
18 and”.

19 (20) Section 906(a) is amended by striking “(or
20 deemed, under section 902, paid or accrued during
21 the taxable year)”.

22 (21) Section 906(b) is amended by striking para-
23 graphs (4) and (5).

24 (22) Section 907(b)(2)(B) is amended by striking
25 “902 or”.

1 (23) *Section 907(c)(3) is amended—*

2 (A) *by striking subparagraph (A) and re-*
3 *designating subparagraphs (B) and (C) as sub-*
4 *paragraphs (A) and (B), respectively, and*

5 (B) *by striking “section 960(a)” in sub-*
6 *paragraph (A) (as so redesignated) and inserting*
7 *“section 960”.*

8 (24) *Section 907(c)(5) is amended by striking*
9 *“902 or”.*

10 (25) *Section 907(f)(2)(B)(i) is amended by strik-*
11 *ing “902 or”.*

12 (26) *Section 908(a) is amended by striking “902*
13 *or”.*

14 (27) *Section 909(b) is amended—*

15 (A) *by striking “section 902 corporation” in*
16 *the matter preceding paragraph (1) and insert-*
17 *ing “specified 10-percent owned foreign corpora-*
18 *tion (as defined in section 245A(b))”,*

19 (B) *by striking “902 or” in paragraph (1),*

20 (C) *by striking “by such section 902 cor-*
21 *poration” and all that follows in the matter fol-*
22 *lowing paragraph (2) and inserting “by such*
23 *specified 10-percent owned foreign corporation or*
24 *a domestic corporation which is a United States*

1 shareholder with respect to such specified 10-per-
2 cent owned foreign corporation.”, and

3 (D) by striking “SECTION 902 CORPORA-
4 TIONS” in the heading thereof and inserting
5 “SPECIFIED 10-PERCENT OWNED FOREIGN COR-
6 PORATIONS”.

7 (28) Section 909(d) is amended by striking
8 paragraph (5).

9 (29) Section 958(a)(1) is amended by striking
10 “960(a)(1)” and inserting “960”.

11 (30) Section 959(d) is amended by striking “Ex-
12 cept as provided in section 960(a)(3), any” and in-
13 serting “Any”.

14 (31) Section 959(e) is amended by striking “sec-
15 tion 960(b)” and inserting “section 960(c)”.

16 (32) Section 1291(g)(2)(A) is amended by strik-
17 ing “any distribution—” and all that follows through
18 “but only if” and inserting “any distribution, any
19 withholding tax imposed with respect to such dis-
20 tribution, but only if”.

21 (33) Section 6038(c)(1)(B) is amended by strik-
22 ing “sections 902 (relating to foreign tax credit for
23 corporate stockholder in foreign corporation) and 960
24 (relating to special rules for foreign tax credit)” and
25 inserting “section 960”.

1 (1) *IN GENERAL.*—Section 904(d)(2) is amended
2 by inserting after subparagraph (I) the following new
3 subparagraph:

4 “(J) *FOREIGN BRANCH INCOME.*—

5 “(i) *IN GENERAL.*—The term ‘foreign
6 branch income’ means the business profits of
7 such United States person which are attrib-
8 utable to 1 or more qualified business units
9 (as defined in section 989(a)) in 1 or more
10 foreign countries. For purposes of the pre-
11 ceding sentence, the amount of business
12 profits attributable to a qualified business
13 unit shall be determined under rules estab-
14 lished by the Secretary.

15 “(ii) *EXCEPTION.*—Such term shall not
16 include any income which is passive cat-
17 egory income.”.

18 (2) *CONFORMING AMENDMENT.*—Section
19 904(d)(2)(A)(ii), as amended by section 14201, is
20 amended by striking “income described in paragraph
21 (1)(A) and” and inserting “income described in para-
22 graph (1)(A), foreign branch income, and”.

23 (c) *EFFECTIVE DATE.*—The amendments made by this
24 section shall apply to taxable years beginning after Decem-
25 ber 31, 2017.

1 **SEC. 14303. ACCELERATION OF ELECTION TO ALLOCATE IN-**
2 **TEREST, ETC., ON A WORLDWIDE BASIS.**

3 (a) *IN GENERAL.*—Section 864(f)(6) is amended by
4 striking “December 31, 2020” and inserting “December 31,
5 2017”.

6 (b) *EFFECTIVE DATE.*—The amendments made by this
7 section shall apply to taxable years beginning after Decem-
8 ber 31, 2017.

9 **SEC. 14304. SOURCE OF INCOME FROM SALES OF INVEN-**
10 **TORY DETERMINED SOLELY ON BASIS OF**
11 **PRODUCTION ACTIVITIES.**

12 (a) *IN GENERAL.*—Section 863(b) is amended by add-
13 ing at the end the following: “Gains, profits, and income
14 from the sale or exchange of inventory property described
15 in paragraph (2) shall be allocated and apportioned be-
16 tween sources within and without the United States solely
17 on the basis of the production activities with respect to the
18 property.”.

19 (b) *EFFECTIVE DATE.*—The amendment made by this
20 section shall apply to taxable years beginning after Decem-
21 ber 31, 2017.

1 **SEC. 14305. ELECTION TO INCREASE PERCENTAGE OF DO-**
2 **MESTIC TAXABLE INCOME OFFSET BY OVER-**
3 **ALL DOMESTIC LOSS TREATED AS FOREIGN**
4 **SOURCE.**

5 (a) *IN GENERAL.*—Section 904(g) is amended by add-
6 ing at the end the following new paragraph:

7 “(5) *ELECTION TO INCREASE PERCENTAGE OF*
8 *TAXABLE INCOME TREATED AS FOREIGN SOURCE.*—

9 “(A) *IN GENERAL.*—If any pre-2018 unused
10 overall domestic loss is taken into account under
11 paragraph (1) for any applicable taxable year,
12 the taxpayer may elect to have such paragraph
13 applied to such loss by substituting a percentage
14 greater than 50 percent (but not greater than
15 100 percent) for 50 percent in subparagraph (B)
16 thereof.

17 “(B) *PRE-2018 UNUSED OVERALL DOMESTIC*
18 *LOSS.*—For purposes of this paragraph, the term
19 ‘pre-2018 unused overall domestic loss’ means
20 any overall domestic loss which—

21 “(i) arises in a qualified taxable year
22 beginning before January 1, 2018, and

23 “(ii) has not been used under para-
24 graph (1) for any taxable year beginning
25 before such date.

1 “(C) *APPLICABLE TAXABLE YEAR.*—For
2 purposes of this paragraph, the term ‘applicable
3 taxable year’ means any taxable year of the tax-
4 payer beginning after December 31, 2017, and
5 before January 1, 2028.”.

6 (b) *EFFECTIVE DATE.*—The amendment made by this
7 section shall apply to taxable years beginning after Decem-
8 ber 31, 2017.

9 **PART II—INBOUND TRANSACTIONS**

10 **SEC. 14401. BASE EROSION AND ANTI-ABUSE TAX.**

11 (a) *IMPOSITION OF TAX.*—Subchapter A of chapter 1
12 is amended by adding at the end the following new part:

13 **“PART VII—BASE EROSION AND ANTI-ABUSE TAX**

 “Sec. 59A. Tax on base erosion payments of taxpayers with substantial gross re-
 ceipts.

14 **“SEC. 59A. TAX ON BASE EROSION PAYMENTS OF TAX-**
15 **PAYERS WITH SUBSTANTIAL GROSS RE-**
16 **CEIPTS.**

17 “(a) *IMPOSITION OF TAX.*—There is hereby imposed on
18 each applicable taxpayer for any taxable year a tax equal
19 to the base erosion minimum tax amount for the taxable
20 year. Such tax shall be in addition to any other tax imposed
21 by this subtitle.

22 “(b) *BASE EROSION MINIMUM TAX AMOUNT.*—For
23 purposes of this section—

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graphs (2) and (3), the term ‘base erosion minimum*
3 *tax amount’ means, with respect to any applicable*
4 *taxpayer for any taxable year, the excess (if any) of—*

5 “(A) *an amount equal to 10 percent of the*
6 *modified taxable income of such taxpayer for the*
7 *taxable year, over*

8 “(B) *an amount equal to the regular tax li-*
9 *ability (as defined in section 26(b)) of the tax-*
10 *payer for the taxable year, reduced (but not*
11 *below zero) by the excess (if any) of—*

12 “(i) *the credits allowed under this*
13 *chapter against such regular tax liability,*
14 *over*

15 “(ii) *the credit allowed under section*
16 *38 for the taxable year which is properly al-*
17 *locable to the research credit determined*
18 *under section 41(a).*

19 “(2) *MODIFICATIONS FOR TAXABLE YEARS BE-*
20 *GINNING AFTER 2025.*—*In the case of any taxable year*
21 *beginning after December 31, 2025, paragraph (1)*
22 *shall be applied—*

23 “(A) *by substituting ‘12.5 percent’ for ‘10*
24 *percent’ in subparagraph (A) thereof, and*

1 “(B) by reducing (but not below zero) the
2 regular tax liability (as defined in section 26(b))
3 for purposes of subparagraph (B) thereof by the
4 aggregate amount of the credits allowed under
5 this chapter against such regular tax liability
6 rather than the excess described in such subpara-
7 graph.

8 “(3) INCREASED RATE FOR CERTAIN BANKS AND
9 SECURITIES DEALERS.—

10 “(A) IN GENERAL.—In the case of an appli-
11 cable taxpayer described in subparagraph (B) for
12 any taxable year—

13 “(i) paragraphs (1)(A) and (2)(A)
14 shall each be applied by substituting ‘11
15 percent’ for ‘10 percent’, and

16 “(ii) paragraph (2)(A) shall be applied
17 by substituting ‘13.5 percent’ for ‘12.5 per-
18 cent’.

19 “(B) TAXPAYER DESCRIBED.—An applica-
20 ble taxpayer is described in this subparagraph if
21 such taxpayer is a member of an affiliated group
22 (as defined in section 1504(a)(1)) which in-
23 cludes—

24 “(i) a bank (as defined in section 581),

25 or

1 “(ii) a registered securities dealer
2 under section 15(a) of the Securities Ex-
3 change Act of 1934.

4 “(c) *MODIFIED TAXABLE INCOME.*—For purposes of
5 *this section*—

6 “(1) *IN GENERAL.*—The term ‘modified taxable
7 *income*’ means the taxable income of the taxpayer
8 *computed under this chapter for the taxable year, de-*
9 *termined without regard to—*

10 “(A) *any base erosion tax benefit with re-*
11 *spect to any base erosion payment, or*

12 “(B) *the base erosion percentage of any net*
13 *operating loss deduction allowed under section*
14 *172 for the taxable year.*

15 “(2) *BASE EROSION TAX BENEFIT.*—

16 “(A) *IN GENERAL.*—The term ‘base erosion
17 *tax benefit*’ means—

18 “(i) *any deduction described in sub-*
19 *section (d)(1) which is allowed under this*
20 *chapter for the taxable year with respect to*
21 *any base erosion payment,*

22 “(ii) *in the case of a base erosion pay-*
23 *ment described in subsection (d)(2), any de-*
24 *duction allowed under this chapter for the*
25 *taxable year for depreciation (or amortiza-*

1 tion in lieu of depreciation) with respect to
2 the property acquired with such payment,
3 and

4 “(iii) in the case of a base erosion pay-
5 ment described in subsection (d)(3), any re-
6 duction in gross receipts with respect to
7 such payment in computing gross income of
8 the taxpayer for the taxable year for pur-
9 poses of this chapter.

10 “(B) TAX BENEFITS DISREGARDED IF TAX
11 WITHHELD ON BASE EROSION PAYMENT.—

12 “(i) IN GENERAL.—Except as provided
13 in clause (ii), any base erosion tax benefit
14 attributable to any base erosion payment—

15 “(I) on which tax is imposed by
16 section 871 or 881, and

17 “(II) with respect to which tax
18 has been deducted and withheld under
19 section 1441 or 1442,

20 shall not be taken into account in com-
21 puting modified taxable income under para-
22 graph (1)(A) or the base erosion percentage
23 under paragraph (4).

24 “(ii) EXCEPTION.—The amount not
25 taken into account in computing modified

1 taxable income by reason of clause (i) shall
2 be reduced under rules similar to the rules
3 under section 163(j)(5)(B) (as in effect be-
4 fore the date of the enactment of the Tax
5 Cuts and Jobs Act).

6 “(3) *SPECIAL RULES FOR DETERMINING INTER-*
7 *EST FOR WHICH DEDUCTION ALLOWED.*—For pur-
8 poses of applying paragraph (1), in the case of a tax-
9 payer to which subsection (j) or (n) of section 163 ap-
10 plies for the taxable year, the reduction in the amount
11 of interest for which a deduction is allowed by reason
12 of such subsection shall be treated as allocable first to
13 interest paid or accrued to persons who are not re-
14 lated parties with respect to the taxpayer and then to
15 such related parties.

16 “(4) *BASE EROSION PERCENTAGE.*—For pur-
17 poses of paragraph (1)(B)—

18 “(A) *IN GENERAL.*—The term ‘base erosion
19 percentage’ means, for any taxable year, the per-
20 centage determined by dividing—

21 “(i) the aggregate amount of base ero-
22 sion tax benefits of the taxpayer for the tax-
23 able year, by

1 “(ii) the aggregate amount of the de-
2 ductions allowable to the taxpayer under
3 this chapter for the taxable year.

4 “(B) *SPECIAL RULES.*—The amount under
5 subparagraph (A)(ii) shall be determined—

6 “(i) by taking into account base ero-
7 sion tax benefits described in clauses (i) and
8 (ii) of paragraph (2)(A), and

9 “(ii) by not taking into account any
10 deduction allowed under section 172, 245A,
11 or 250 for the taxable year.

12 “(d) *BASE EROSION PAYMENT.*—For purposes of this
13 section—

14 “(1) *IN GENERAL.*—The term ‘base erosion pay-
15 ment’ means any amount paid or accrued by the tax-
16 payer to a foreign person which is a related party of
17 the taxpayer and with respect to which a deduction
18 is allowable under this chapter.

19 “(2) *PURCHASE OF DEPRECIABLE PROPERTY.*—
20 Such term shall also include any amount paid or ac-
21 crued by the taxpayer to a foreign person which is a
22 related party of the taxpayer in connection with the
23 acquisition by the taxpayer from such person of prop-
24 erty of a character subject to the allowance of depre-
25 ciation (or amortization in lieu of depreciation).

1 “(3) *CERTAIN PAYMENTS TO EXPATRIATED ENTI-*
2 *TIES.*—

3 “(A) *IN GENERAL.*—*Such term shall also*
4 *include any amount paid or accrued by the tax-*
5 *payer with respect to a person described in sub-*
6 *paragraph (B) which results in a reduction of*
7 *the gross receipts of the taxpayer.*

8 “(B) *PERSON DESCRIBED.*—*A person is de-*
9 *scribed in this subparagraph if such person is*
10 *a—*

11 “(i) *surrogate foreign corporation*
12 *which is a related party of the taxpayer,*
13 *but only if such person first became a surro-*
14 *gate foreign corporation after November 9,*
15 *2017, or*

16 “(ii) *foreign person which is a member*
17 *of the same expanded affiliated group as the*
18 *surrogate foreign corporation.*

19 “(C) *DEFINITIONS.*—*For purposes of this*
20 *paragraph—*

21 “(i) *SURROGATE FOREIGN CORPORA-*
22 *TION.*—*The term ‘surrogate foreign corpora-*
23 *tion’ has the meaning given such term by*
24 *section 7874(a)(2) but does not include a*

1 *foreign corporation treated as a domestic*
2 *corporation under section 7874(b).*

3 “(ii) *EXPANDED AFFILIATED GROUP.*—
4 *The term ‘expanded affiliated group’ has the*
5 *meaning given such term by section*
6 *7874(c)(1).*

7 “(4) *EXCEPTION FOR CERTAIN AMOUNTS WITH*
8 *RESPECT TO SERVICES.*—*Paragraph (1) shall not*
9 *apply to any amount paid or accrued by a taxpayer*
10 *for services if—*

11 “(A) *such services are services which meet*
12 *the requirements for eligibility for use of the*
13 *services cost method under section 482 (deter-*
14 *mined without regard to the requirement that the*
15 *services not contribute significantly to funda-*
16 *mental risks of business success or failure), and*

17 “(B) *such amount constitutes the total serv-*
18 *ices cost with no markup.*

19 “(e) *APPLICABLE TAXPAYER.*—*For purposes of this*
20 *section—*

21 “(1) *IN GENERAL.*—*The term ‘applicable tax-*
22 *payer’ means, with respect to any taxable year, a tax-*
23 *payer—*

1 “(A) which is a corporation other than a
2 regulated investment company, a real estate in-
3 vestment trust, or an S corporation,

4 “(B) the average annual gross receipts of
5 which for the 3-taxable-year period ending with
6 the preceding taxable year are at least
7 \$500,000,000, and

8 “(C) the base erosion percentage (as deter-
9 mined under subsection (c)(4)) of which for the
10 taxable year is 4 percent or higher.

11 “(2) GROSS RECEIPTS.—

12 “(A) SPECIAL RULE FOR FOREIGN PER-
13 SONS.—In the case of a foreign person the gross
14 receipts of which are taken into account for pur-
15 poses of paragraph (1)(B), only gross receipts
16 which are taken into account in determining in-
17 come which is effectively connected with the con-
18 duct of a trade or business within the United
19 States shall be taken into account. In the case of
20 a taxpayer which is a foreign person, the pre-
21 ceding sentence shall not apply to the gross re-
22 ceipts of any United States person which are ag-
23 gregated with the taxpayer’s gross receipts by
24 reason of paragraph (3).

1 “(B) *OTHER RULES MADE APPLICABLE.*—
2 *Rules similar to the rules of subparagraphs (B),*
3 *(C), and (D) of section 448(c)(3) shall apply in*
4 *determining gross receipts for purposes of this*
5 *section.*

6 “(3) *AGGREGATION RULES.*—*All persons treated*
7 *as a single employer under subsection (a) of section*
8 *52 shall be treated as 1 person for purposes of this*
9 *subsection and subsection (c)(4), except that in apply-*
10 *ing section 1563 for purposes of section 52, the excep-*
11 *tion for foreign corporations under section*
12 *1563(b)(2)(C) shall be disregarded.*

13 “(f) *FOREIGN PERSON.*—*For purposes of this section,*
14 *the term ‘foreign person’ has the meaning given such term*
15 *by section 6038A(c)(3).*

16 “(g) *RELATED PARTY.*—*For purposes of this section—*

17 “(1) *IN GENERAL.*—*The term ‘related party’*
18 *means, with respect to any applicable taxpayer—*

19 “(A) *any 25-percent owner of the taxpayer,*

20 “(B) *any person who is related (within the*
21 *meaning of section 267(b) or 707(b)(1)) to the*
22 *taxpayer or any 25-percent owner of the tax-*
23 *payer, and*

24 “(C) *any other person who is related (with-*
25 *in the meaning of section 482) to the taxpayer.*

1 “(2) *25-PERCENT OWNER.*—*The term ‘25-percent*
2 *owner’ means, with respect to any corporation, any*
3 *person who owns at least 25 percent of—*

4 “(A) *the total voting power of all classes of*
5 *stock of a corporation entitled to vote, or*

6 “(B) *the total value of all classes of stock of*
7 *such corporation.*

8 “(3) *SECTION 318 TO APPLY.*—*Section 318 shall*
9 *apply for purposes of paragraphs (1) and (2), except*
10 *that—*

11 “(A) *‘10 percent’ shall be substituted for ‘50*
12 *percent’ in section 318(a)(2)(C), and*

13 “(B) *subparagraphs (A), (B), and (C) of*
14 *section 318(a)(3) shall not be applied so as to*
15 *consider a United States person as owning stock*
16 *which is owned by a person who is not a United*
17 *States person.*

18 “(h) *EXCEPTION FOR CERTAIN PAYMENTS MADE IN*
19 *THE ORDINARY COURSE OF TRADE OR BUSINESS.*—*For*
20 *purposes of this section—*

21 “(1) *IN GENERAL.*—*Except as provided in para-*
22 *graph (3), any qualified derivative payment shall not*
23 *be treated as a base erosion payment.*

24 “(2) *QUALIFIED DERIVATIVE PAYMENT.*—

1 “(A) *IN GENERAL.*—The term ‘qualified de-
2 *derivative payment*’ means any payment made by
3 *a taxpayer pursuant to a derivative with respect*
4 *to which the taxpayer—*

5 “(i) *recognizes gain or loss as if such*
6 *derivative were sold for its fair market*
7 *value on the last business day of the taxable*
8 *year (and such additional times as required*
9 *by this title or the taxpayer’s method of ac-*
10 *counting),*

11 “(ii) *treats any gain or loss so recog-*
12 *nized as ordinary, and*

13 “(iii) *treats the character of all items*
14 *of income, deduction, gain, or loss with re-*
15 *spect to a payment pursuant to the deriva-*
16 *tive as ordinary.*

17 “(B) *REPORTING REQUIREMENT.*—No pay-
18 *ments shall be treated as qualified derivative*
19 *payments under subparagraph (A) for any tax-*
20 *able year unless the taxpayer includes in the in-*
21 *formation required to be reported under section*
22 *6038B(b)(2) with respect to such taxable year*
23 *such information as is necessary to identify the*
24 *payments to be so treated and such other infor-*

1 *mation as the Secretary determines necessary to*
2 *carry out the provisions of this subsection.*

3 *“(3) EXCEPTIONS FOR PAYMENTS OTHERWISE*
4 *TREATED AS BASE EROSION PAYMENTS.—This sub-*
5 *section shall not apply to any qualified derivative*
6 *payment if—*

7 *“(A) the payment would be treated as a*
8 *base erosion payment if it were not made pursu-*
9 *ant to a derivative, including any interest, roy-*
10 *alty, or service payment, or*

11 *“(B) in the case of a contract which has de-*
12 *rivative and nonderivative components, the pay-*
13 *ment is properly allocable to the nonderivative*
14 *component.*

15 *“(4) DERIVATIVE DEFINED.—For purposes of*
16 *this subsection—*

17 *“(A) IN GENERAL.—The term ‘derivative’*
18 *means any contract (including any option, for-*
19 *ward contract, futures contract, short position,*
20 *swap, or similar contract) the value of which, or*
21 *any payment or other transfer with respect to*
22 *which, is (directly or indirectly) determined by*
23 *reference to one or more of the following:*

24 *“(i) Any share of stock in a corpora-*
25 *tion.*

1 “(ii) *Any evidence of indebtedness.*

2 “(iii) *Any commodity which is actively*
3 *traded.*

4 “(iv) *Any currency.*

5 “(v) *Any rate, price, amount, index,*
6 *formula, or algorithm.*

7 “(B) *TREATMENT OF AMERICAN DEPOSI-*
8 *TORY RECEIPTS AND SIMILAR INSTRUMENTS.—*
9 *Except as otherwise provided by the Secretary,*
10 *for purposes of this part, American depository*
11 *receipts (and similar instruments) with respect*
12 *to shares of stock in foreign corporations shall be*
13 *treated as shares of stock in such foreign cor-*
14 *porations.*

15 “(i) *REGULATIONS.—The Secretary shall prescribe*
16 *such regulations or other guidance as may be necessary or*
17 *appropriate to carry out the provisions of this section, in-*
18 *cluding regulations—*

19 “(1) *providing for such adjustments to the appli-*
20 *cation of this section as are necessary to prevent the*
21 *avoidance of the purposes of this section, including*
22 *through—*

23 “(A) *the use of unrelated persons, conduit*
24 *transactions, or other intermediaries, or*

1 “(B) transactions or arrangements designed,
2 in whole or in part—

3 “(i) to characterize payments otherwise
4 subject to this section as payments not sub-
5 ject to this section, or

6 “(ii) to substitute payments not subject
7 to this section for payments otherwise sub-
8 ject to this section and

9 “(2) for the application of subsection (g), includ-
10 ing rules to prevent the avoidance of the exceptions
11 under subsection (g)(3).”.

12 (b) REPORTING REQUIREMENTS AND PENALTIES.—

13 (1) IN GENERAL.—Subsection (b) of section
14 6038A is amended to read as follows:

15 “(b) REQUIRED INFORMATION.—

16 “(1) IN GENERAL.—For purposes of subsection
17 (a), the information described in this subsection is
18 such information as the Secretary prescribes by regu-
19 lations relating to—

20 “(A) the name, principal place of business,
21 nature of business, and country or countries in
22 which organized or resident, of each person
23 which—

24 “(i) is a related party to the reporting
25 corporation, and

1 “(ii) had any transaction with the re-
2 porting corporation during its taxable year,

3 “(B) the manner in which the reporting
4 corporation is related to each person referred to
5 in subparagraph (A), and

6 “(C) transactions between the reporting cor-
7 poration and each foreign person which is a re-
8 lated party to the reporting corporation.

9 “(2) *ADDITIONAL INFORMATION REGARDING*
10 *BASE EROSION PAYMENTS.*—For purposes of sub-
11 section (a) and section 6038C, if the reporting cor-
12 poration or the foreign corporation to whom section
13 6038C applies is an applicable taxpayer, the informa-
14 tion described in this subsection shall include—

15 “(A) such information as the Secretary de-
16 termines necessary to determine the base erosion
17 minimum tax amount, base erosion payments,
18 and base erosion tax benefits of the taxpayer for
19 purposes of section 59A for the taxable year, and

20 “(B) such other information as the Sec-
21 retary determines necessary to carry out such
22 section.

23 For purposes of this paragraph, any term used in this
24 paragraph which is also used in section 59A shall

1 *have the same meaning as when used in such sec-*
2 *tion.”.*

3 (2) *INCREASE IN PENALTY.—Paragraphs (1) and*
4 (2) *of section 6038A(d) are each amended by striking*
5 “\$10,000” *and inserting “\$25,000”.*

6 (c) *DISALLOWANCE OF CREDITS AGAINST BASE ERO-*
7 *SION TAX.—Paragraph (2) of section 26(b) is amended by*
8 *inserting after subparagraph (A) the following new sub-*
9 *paragraph:*

10 “(B) *section 59A (relating to base erosion*
11 *and anti-abuse tax),”.*

12 (d) *CONFORMING AMENDMENTS.—*

13 (1) *The table of parts for subchapter A of chapter*
14 1 *is amended by adding after the item relating to*
15 *part VI the following new item:*

“Part VII. Base erosion and anti-abuse tax”.

16 (2) *Paragraph (1) of section 882(a), as amended*
17 *by this Act, is amended by inserting “ or 59A,” after*
18 “*section 11,*”.

19 (3) *Subparagraph (A) of section 6425(c)(1), as*
20 *amended by section 13001, is amended to read as fol-*
21 *lows:*

22 “(A) *the sum of—*

23 “(i) *the tax imposed by section 11, or*
24 *subchapter L of chapter 1, whichever is ap-*
25 *plicable, plus*

1 “(ii) the tax imposed by section 59A,
2 over”.

3 (4)(A) Subparagraph (A) of section 6655(g)(1),
4 as amended by section 13001, is amended by striking
5 “plus” at the end of clause (i), by redesignating
6 clause (ii) as clause (iii), and by inserting after
7 clause (i) the following new clause:

8 “(ii) the tax imposed by section 59A,
9 plus”.

10 (B) Subparagraphs (A)(i) and (B)(i) of section
11 6655(e)(2), as amended by section 13001, are each
12 amended by inserting “and modified taxable income”
13 after “taxable income”.

14 (C) Subparagraph (B) of section 6655(e)(2) is
15 amended by adding at the end the following new
16 clause:

17 “(iii) *MODIFIED TAXABLE INCOME.*—
18 The term ‘modified taxable income’ has the
19 meaning given such term by section
20 59A(c)(1).”.

21 (e) *EFFECTIVE DATE.*—The amendments made by this
22 section shall apply to base erosion payments (as defined in
23 section 59A(d) of the Internal Revenue Code of 1986, as
24 added by this section) paid or accrued in taxable years be-
25 ginning after December 31, 2017.

1 **PART III—OTHER PROVISIONS**

2 **SEC. 14501. RESTRICTION ON INSURANCE BUSINESS EXCEP-**
3 **TION TO PASSIVE FOREIGN INVESTMENT**
4 **COMPANY RULES.**

5 (a) *IN GENERAL.*—Section 1297(b)(2)(B) is amended
6 to read as follows:

7 “(B) derived in the active conduct of an in-
8 surance business by a qualifying insurance cor-
9 poration (as defined in subsection (f)),”.

10 (b) *QUALIFYING INSURANCE CORPORATION DE-*
11 *FINED.*—Section 1297 is amended by adding at the end the
12 following new subsection:

13 “(f) *QUALIFYING INSURANCE CORPORATION.*—For
14 purposes of subsection (b)(2)(B)—

15 “(1) *IN GENERAL.*—The term ‘qualifying insur-
16 ance corporation’ means, with respect to any taxable
17 year, a foreign corporation—

18 “(A) which would be subject to tax under
19 subchapter L if such corporation were a domestic
20 corporation, and

21 “(B) the applicable insurance liabilities of
22 which constitute more than 25 percent of its
23 total assets, determined on the basis of such li-
24 abilities and assets as reported on the corpora-
25 tion’s applicable financial statement for the last
26 year ending with or within the taxable year.

1 “(2) *ALTERNATIVE FACTS AND CIRCUMSTANCES*
2 *TEST FOR CERTAIN CORPORATIONS.*—*If a corporation*
3 *fails to qualify as a qualified insurance corporation*
4 *under paragraph (1) solely because the percentage de-*
5 *termined under paragraph (1)(B) is 25 percent or*
6 *less, a United States person that owns stock in such*
7 *corporation may elect to treat such stock as stock of*
8 *a qualifying insurance corporation if—*

9 “(A) *the percentage so determined for the*
10 *corporation is at least 10 percent, and*

11 “(B) *under regulations provided by the Sec-*
12 *retary, based on the applicable facts and cir-*
13 *cumstances—*

14 “(i) *the corporation is predominantly*
15 *engaged in an insurance business, and*

16 “(ii) *such failure is due solely to run-*
17 *off-related or rating-related circumstances*
18 *involving such insurance business.*

19 “(3) *APPLICABLE INSURANCE LIABILITIES.*—*For*
20 *purposes of this subsection—*

21 “(A) *IN GENERAL.*—*The term ‘applicable*
22 *insurance liabilities’ means, with respect to any*
23 *life or property and casualty insurance busi-*
24 *ness—*

1 “(i) *loss and loss adjustment expenses,*
2 *and*

3 “(ii) *reserves (other than deficiency,*
4 *contingency, or unearned premium reserves)*
5 *for life and health insurance risks and life*
6 *and health insurance claims with respect to*
7 *contracts providing coverage for mortality*
8 *or morbidity risks.*

9 “(B) *LIMITATIONS ON AMOUNT OF LIABIL-*
10 *ITIES.—Any amount determined under clause (i)*
11 *or (ii) of subparagraph (A) shall not exceed the*
12 *lesser of such amount—*

13 “(i) *as reported to the applicable in-*
14 *surance regulatory body in the applicable*
15 *financial statement described in paragraph*
16 *(4)(A) (or, if less, the amount required by*
17 *applicable law or regulation), or*

18 “(ii) *as determined under regulations*
19 *prescribed by the Secretary.*

20 “(4) *OTHER DEFINITIONS AND RULES.—For*
21 *purposes of this subsection—*

22 “(A) *APPLICABLE FINANCIAL STATEMENT.—*
23 *The term ‘applicable financial statement’ means*
24 *a statement for financial reporting purposes*
25 *which—*

1 “(i) is made on the basis of generally
2 accepted accounting principles,

3 “(ii) is made on the basis of inter-
4 national financial reporting standards, but
5 only if there is no statement that meets the
6 requirement of clause (i), or

7 “(iii) except as otherwise provided by
8 the Secretary in regulations, is the annual
9 statement which is required to be filed with
10 the applicable insurance regulatory body,
11 but only if there is no statement which
12 meets the requirements of clause (i) or (ii).

13 “(B) *APPLICABLE INSURANCE REGULATORY*
14 *BODY.*—The term ‘applicable insurance regu-
15 latory body’ means, with respect to any insur-
16 ance business, the entity established by law to li-
17 cense, authorize, or regulate such business and to
18 which the statement described in subparagraph
19 (A) is provided.”.

20 (c) *EFFECTIVE DATE.*—The amendments made by this
21 section shall apply to taxable years beginning after Decem-
22 ber 31, 2017.

1 **SEC. 14502. REPEAL OF FAIR MARKET VALUE METHOD OF**
2 **INTEREST EXPENSE APPORTIONMENT.**

3 (a) *IN GENERAL.*—Paragraph (2) of section 864(e) is
4 amended to read as follows:

5 “(2) *GROSS INCOME AND FAIR MARKET VALUE*
6 *METHODS MAY NOT BE USED FOR INTEREST.*—All al-
7 locations and apportionments of interest expense shall
8 be determined using the adjusted bases of assets rather
9 than on the basis of the fair market value of the assets
10 or gross income.”.

11 (b) *EFFECTIVE DATE.*—The amendment made by this
12 section shall apply to taxable years beginning after Decem-
13 ber 31, 2017.

14 **SEC. 14503. MODIFICATION TO SOURCE RULES INVOLVING**
15 **POSSESSIONS.**

16 (a) *IN GENERAL.*—Subsection (b)(2) of Section 937 of
17 the Internal Revenue Code of 1986 is amended by inserting
18 “, but only to the extent such income is attributable to an
19 office or fixed place of business within the United States
20 (determined under the rules of Section 864(c)(5))” before
21 the period at the end.

22 (b) *SOURCE RULES FOR PERSONAL PROPERTY*
23 *SALES.*—Subsection (j)(3) of section 865 of the Internal
24 Revenue Code of 1986 is amended by inserting “932,” after
25 “931,”.

1 *tion, and transportation of oil and gas in and*
2 *from the Coastal Plain.*

3 (B) *PURPOSES.*—*Section 303(2)(B) of the*
4 *Alaska National Interest Lands Conservation Act*
5 *(Public Law 96–487; 94 Stat. 2390) is amend-*
6 *ed—*

7 *(i) in clause (iii), by striking “and” at*
8 *the end;*

9 *(ii) in clause (iv), by striking the pe-*
10 *riod at the end and inserting “; and”; and*

11 *(iii) by adding at the end the fol-*
12 *lowing:*

13 *“(v) to provide for an oil and gas pro-*
14 *gram on the Coastal Plain.”.*

15 (3) *MANAGEMENT.*—*Except as otherwise pro-*
16 *vided in this section, the Secretary shall manage the*
17 *oil and gas program on the Coastal Plain in a man-*
18 *ner similar to the administration of lease sales under*
19 *the Naval Petroleum Reserves Production Act of 1976*
20 *(42 U.S.C. 6501 et seq.) (including regulations).*

21 (4) *ROYALTIES.*—*Notwithstanding the Mineral*
22 *Leasing Act (30 U.S.C. 181 et seq.), the royalty rate*
23 *for leases issued pursuant to this section shall be*
24 *16.67 percent.*

1 (5) *RECEIPTS.*—*Notwithstanding the Mineral*
2 *Leasing Act (30 U.S.C. 181 et seq.), of the amount of*
3 *adjusted bonus, rental, and royalty receipts derived*
4 *from the oil and gas program and operations on Fed-*
5 *eral land authorized under this section—*

6 (A) *50 percent shall be paid to the State of*
7 *Alaska; and*

8 (B) *the balance shall be deposited into the*
9 *Treasury as miscellaneous receipts.*

10 (c) 2 *LEASE SALES WITHIN 10 YEARS.*—

11 (1) *REQUIREMENT.*—

12 (A) *IN GENERAL.*—*Subject to subparagraph*
13 *(B), the Secretary shall conduct not fewer than*
14 *2 lease sales area-wide under the oil and gas*
15 *program under this section by not later than 10*
16 *years after the date of enactment of this Act.*

17 (B) *SALE ACREAGES; SCHEDULE.*—

18 (i) *ACREAGES.*—*The Secretary shall*
19 *offer for lease under the oil and gas pro-*
20 *gram under this section—*

21 (I) *not fewer than 400,000 acres*
22 *area-wide in each lease sale; and*

23 (II) *those areas that have the*
24 *highest potential for the discovery of*
25 *hydrocarbons.*

1 (ii) *SCHEDULE.—The Secretary shall*
2 *offer—*

3 (I) *the initial lease sale under the*
4 *oil and gas program under this section*
5 *not later than 4 years after the date of*
6 *enactment of this Act; and*

7 (II) *a second lease sale under the*
8 *oil and gas program under this section*
9 *not later than 7 years after the date of*
10 *enactment of this Act.*

11 (2) *RIGHTS-OF-WAY.—The Secretary shall issue*
12 *any rights-of-way or easements across the Coastal*
13 *Plain for the exploration, development, production, or*
14 *transportation necessary to carry out this section.*

15 (3) *SURFACE DEVELOPMENT.—In administering*
16 *this section, the Secretary shall authorize up to 2,000*
17 *surface acres of Federal land on the Coastal Plain to*
18 *be covered by production and support facilities (in-*
19 *cluding airstrips and any area covered by gravel*
20 *berms or piers for support of pipelines) during the*
21 *term of the leases under the oil and gas program*
22 *under this section.*

1 **SEC. 20002. LIMITATIONS ON AMOUNT OF DISTRIBUTED**
2 **QUALIFIED OUTER CONTINENTAL SHELF**
3 **REVENUES.**

4 *Section 105(f)(1) of the Gulf of Mexico Energy Secu-*
5 *rity Act of 2006 (43 U.S.C. 1331 note; Public Law 109–*
6 *432) is amended by striking “exceed \$500,000,000 for each*
7 *of fiscal years 2016 through 2055.” and inserting the fol-*
8 *lowing: “exceed—*

9 *“(A) \$500,000,000 for each of fiscal years*
10 *2016 through 2019;*

11 *“(B) \$650,000,000 for each of fiscal years*
12 *2020 and 2021; and*

13 *“(C) \$500,000,000 for each of fiscal years*
14 *2022 through 2055.”.*

15 **SEC. 20003. STRATEGIC PETROLEUM RESERVE DRAWDOWN**
16 **AND SALE.**

17 *(a) DRAWDOWN AND SALE.—*

18 *(1) IN GENERAL.—Notwithstanding section 161*
19 *of the Energy Policy and Conservation Act (42 U.S.C.*
20 *6241), except as provided in subsections (b) and (c),*
21 *the Secretary of Energy shall draw down and sell*
22 *from the Strategic Petroleum Reserve 7,000,000 bar-*
23 *rels of crude oil during the period of fiscal years 2026*
24 *through 2027.*

25 *(2) DEPOSIT OF AMOUNTS RECEIVED FROM*
26 *SALE.—Amounts received from a sale under para-*

1 *graph (1) shall be deposited in the general fund of the*
2 *Treasury during the fiscal year in which the sale oc-*
3 *curs.*

4 *(b) EMERGENCY PROTECTION.—The Secretary of En-*
5 *ergy shall not draw down and sell crude oil under sub-*
6 *section (a) in a quantity that would limit the authority*
7 *to sell petroleum products under subsection (h) of section*
8 *161 of the Energy Policy and Conservation Act (42 U.S.C.*
9 *6241) in the full quantity authorized by that subsection.*

10 *(c) LIMITATION.—The Secretary of Energy shall not*
11 *drawdown or conduct sales of crude oil under subsection*
12 *(a) after the date on which a total of \$600,000,000 has been*
13 *deposited in the general fund of the Treasury from sales*
14 *authorized under that subsection.*

Attest:

Secretary.

115TH CONGRESS
1ST SESSION

H.R. 1

AMENDMENT