

**MOTION TO RECOMMIT H.R. 3823, WITH  
INSTRUCTIONS  
OFFERED BY M\_\_\_\_\_**

M\_\_\_\_\_ moves to recommit the bill H.R. 3823 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Page 58, strike lines 6 through 13, and insert the following:

1           (1) PAYMENTS TO POSSESSIONS.—

2           (A) UNITED STATES VIRGIN ISLANDS.—

3           The Secretary of the Treasury shall pay to the  
4           United States Virgin Islands amounts equal to  
5           400 percent of the loss in revenues to the  
6           United States Virgin Islands by reason of this  
7           title (determined without regard to this sub-  
8           section and subsection (e)). Such amounts shall  
9           be determined by the Secretary of the Treasury  
10          based on information provided by the United  
11          States Virgin Islands.

12          (B) COMMONWEALTH OF PUERTO RICO.—

13          The Secretary of the Treasury shall pay to the

1 Commonwealth of Puerto Rico amounts equal  
2 to the per capita equivalent of amounts paid to  
3 the United States Virgin Islands under sub-  
4 paragraph (A). For purposes of the preceding  
5 sentence, the term “per capita equivalent”  
6 means the ratio of—

7 (i) the population of the Common-  
8 wealth of Puerto Rico, determined on the  
9 basis of the most recent census estimate  
10 released by the Bureau of Census before  
11 September 4, 2017, divided by

12 (ii) the population of the United  
13 States Virgin Islands, as so determined.

14 (C) USE OF FUNDS.—Subparagraphs (A)  
15 and (B) shall apply only to the extent that the  
16 United States Virgin Islands or the Common-  
17 wealth of Puerto Rico, as the case may be, has  
18 a plan, which has been approved by the Sec-  
19 retary of the Treasury, under which possession  
20 will use such amounts for one or more of the  
21 following purposes:

22 (i) Repair or surface infrastructure,  
23 including roads, bridges, and tunnels.

24 (ii) Repair of water and sewage sys-  
25 tems.

1 (iii) Repair and replacement of elec-  
2 tric transmission and distribution systems,  
3 telecommunications infrastructure, cellular  
4 networks, and broadband infrastructure.

5 (iv) Repair and replacement of hos-  
6 pitals.

7 (v) Repair and replacement of elemen-  
8 tary and secondary schools.

9 (vi) Repair, replacement, and creation  
10 of residential housing.

11 (vii) Environmental remediation.

12 (viii) Health care costs of individuals.

13 The preceding sentence shall not apply to so  
14 much of the amounts paid to the United States  
15 Virgin Islands as do not exceed 100 percent of  
16 the loss in revenues described in subparagraph  
17 (A).

Page 59, line 10, insert “(and by reason of such  
possession having a mirror code tax system)” after “by  
reason of this title”.

Page 59, after line 13, insert the following:

18 (e) EXTENSION OF APPLICATION TO PUERTO RICO  
19 OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMES-  
20 TIC PRODUCTION ACTIVITIES.—

1 (1) IN GENERAL.—Section 199(d)(8)(C) of the  
2 Internal Revenue Code of 1986 is amended—

3 (A) by striking “first 11 taxable years”  
4 and inserting “first 16 taxable years”, and

5 (B) by striking “January 1, 2017” and in-  
6 serting “January 1, 2023”.

7 (2) EFFECTIVE DATE.—The amendments made  
8 by this subsection shall apply to taxable years begin-  
9 ning after December 31, 2016.

10 (f) SENSE OF CONGRESS REGARDING ECONOMIC  
11 SUPPORT FOR U.S. VIRGIN ISLANDS AND PUERTO RICO  
12 THROUGH LONG-TERM EXTENSION OF RUM COVER  
13 OVER.—It is the sense of Congress that, as soon as pos-  
14 sible, section 7652(f)(1) of the Internal Revenue Code of  
15 1986 should be extended retroactively, and for no fewer  
16 than five years, to support the long-term economic recov-  
17 ery of the United States Virgin Islands and the Common-  
18 wealth of Puerto Rico.

Page 59, after line 23, insert the following:

19 **SEC. 506. TIME FOR PAYMENT OF CORPORATE ESTIMATED**  
20 **TAXES.**

21 Notwithstanding section 6655 of the Internal Rev-  
22 enue Code of 1986, in the case of a corporation with assets  
23 of not less than \$1,000,000,000 (determined as of the end  
24 of the preceding taxable year)—

1           (1) the amount of any required installment of  
2       corporate estimated tax which is otherwise due in  
3       July, August, or September of 2018 shall be in-  
4       creased by 1.75 percent of such amount (determined  
5       without regard to any provision of law which is not  
6       included in the Internal Revenue Code of 1986), and

7           (2) the amount of the next required installment  
8       after an installment referred to in paragraph (1)  
9       shall be appropriately reduced to reflect the amount  
10      of the increase by reason of such paragraph.

11 **SEC. 507. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

12       (a) IN GENERAL.—Part VI of subchapter B of chap-  
13      ter 1 of the Internal Revenue Code of 1986 is amended  
14      by inserting after section 198 the following:

15 **“SEC. 198A. EXPENSING OF QUALIFIED DISASTER EX-**  
16 **PENSES.**

17       “(a) IN GENERAL.—A taxpayer may elect to treat  
18      any qualified disaster expenses which are paid or incurred  
19      by the taxpayer as an expense which is not chargeable to  
20      capital account. Any expense which is so treated shall be  
21      allowed as a deduction for the taxable year in which it  
22      is paid or incurred.

23       “(b) QUALIFIED DISASTER EXPENSE.—For purposes  
24      of this section, the term ‘qualified disaster expense’ means  
25      any expenditure—

1           “(1) which is paid or incurred in connection  
2           with a trade or business or with business-related  
3           property,

4           “(2) which is—

5                 “(A) for the abatement or control of haz-  
6                 ardous substances that were released on ac-  
7                 count of a federally declared disaster occurring  
8                 during the period beginning—

9                         “(i) after December 31, 2007, and be-  
10                        fore January 1, 2010, or

11                       “(ii) after December 31, 2011, and  
12                       before January 1, 2016,

13                 “(B) for the removal of debris from, or the  
14                 demolition of structures on, real property which  
15                 is business-related property damaged or de-  
16                 stroyed as a result of a federally declared dis-  
17                 aster occurring during any such period, or

18                 “(C) for the repair of business-related  
19                 property damaged as a result of a federally de-  
20                 clared disaster occurring during any such pe-  
21                 riod, and

22           “(3) which is otherwise chargeable to capital ac-  
23           count.

24           “(c) OTHER DEFINITIONS.—For purposes of this  
25           section—

1           “(1) BUSINESS-RELATED PROPERTY.—The  
2           term ‘business-related property’ means property—

3                   “(A) held by the taxpayer for use in a  
4           trade or business or for the production of in-  
5           come, or

6                   “(B) described in section 1221(a)(1) in the  
7           hands of the taxpayer.

8           “(2) FEDERALLY DECLARED DISASTER.—The  
9           term ‘federally declared disaster’ has the meaning  
10          given such term by section 165(i)(5)(A).

11          “(d) DEDUCTION RECAPTURED AS ORDINARY IN-  
12          COME ON SALE, ETC.—Solely for purposes of section  
13          1245, in the case of property to which a qualified disaster  
14          expense would have been capitalized but for this section—

15                  “(1) the deduction allowed by this section for  
16          such expense shall be treated as a deduction for de-  
17          preciation, and

18                  “(2) such property (if not otherwise section  
19          1245 property) shall be treated as section 1245  
20          property solely for purposes of applying section 1245  
21          to such deduction.

22          “(e) COORDINATION WITH OTHER PROVISIONS.—  
23          Sections 198, 280B, and 468 shall not apply to amounts  
24          which are treated as expenses under this section.

1       “(f) REGULATIONS.—The Secretary shall prescribe  
2 such regulations as may be necessary or appropriate to  
3 carry out the purposes of this section.”.

4       (b) CLERICAL AMENDMENT.—The table of sections  
5 for part VI of subchapter B of chapter 1 of the Internal  
6 Revenue Code of 1986 is amended by inserting after the  
7 item relating to section 198 the following item:

“Sec. 198A. Expensing of qualified disaster expenses.”.

8       (c) EFFECTIVE DATE.—The amendment made by  
9 this section shall apply to amounts paid or incurred after  
10 December 31, 2011, in connection with disasters declared  
11 after such date.

12 **SEC. 508. INCREASED LIMITATION ON CHARITABLE CON-**  
13 **TRIBUTIONS FOR DISASTER RELIEF.**

14       (a) INDIVIDUALS.—Paragraph (1) of section 170(b)  
15 of the Internal Revenue Code of 1986 is amended by re-  
16 designating subparagraphs (F) and (G) as subparagraphs  
17 (G) and (H), respectively, and by inserting after subpara-  
18 graph (E) the following new subparagraph:

19               “(F) QUALIFIED DISASTER CONTRIBU-  
20 TIONS.—

21               “(i) IN GENERAL.—Any qualified dis-  
22 aster contribution shall be allowed to the  
23 extent that the aggregate of such contribu-  
24 tions does not exceed the excess of 80 per-  
25 cent of the taxpayer’s contribution base



1 over the amount of all other charitable  
2 contributions allowable under this para-  
3 graph.

4 “(ii) CARRYOVER.—If the aggregate  
5 amount of contributions described in clause  
6 (i) exceeds the limitation under clause (i),  
7 such excess shall be treated (in a manner  
8 consistent with the rules of subsection  
9 (d)(1)) as a charitable contribution to  
10 which clause (i) applies in each of the 5  
11 succeeding years in order of time.

12 “(iii) COORDINATION WITH OTHER  
13 SUBPARAGRAPHS.—For purposes of apply-  
14 ing this subsection and subsection (d)(1),  
15 contributions described in clause (i) shall  
16 not be treated as described in subpara-  
17 graph (A) and such subparagraph shall be  
18 applied without regard to such contribu-  
19 tions.

20 “(iv) QUALIFIED DISASTER CON-  
21 TRIBUTIONS.—For purposes of this sub-  
22 paragraph, the term ‘qualified disaster  
23 contribution’ means any charitable con-  
24 tribution if—

1                   “(I) such contribution is for re-  
2                   lief efforts related to a federally de-  
3                   clared disaster (as defined in section  
4                   165(h)(3)(C)(i)),

5                   “(II) such contribution is made  
6                   during the period beginning on the  
7                   applicable disaster date with respect  
8                   to the disaster described in subclause  
9                   (I) and ending on December 31,  
10                  2015, and

11                  “(III) such contribution is made  
12                  in cash to an organization described  
13                  in subparagraph (A) (other than an  
14                  organization described in section  
15                  509(a)(3)).

16                  Such term shall not include a contribution  
17                  if the contribution is for establishment of  
18                  a new, or maintenance in an existing,  
19                  donor advised fund (as defined in section  
20                  4966(d)(2)).

21                  “(v) APPLICABLE DISASTER DATE.—  
22                  For purposes of clause (iv)(II), the term  
23                  ‘applicable disaster date’ means, with re-  
24                  spect to any federally declared disaster de-  
25                  scribed in clause (iv)(I), the date on which

1 the disaster giving rise to the Presidential  
2 declaration described in section  
3 165(i)(5)(A) occurred.

4 “(vi) SUBSTANTIATION REQUIRE-  
5 MENT.—This paragraph shall not apply to  
6 any qualified disaster contribution unless  
7 the taxpayer obtains from such organiza-  
8 tion to which the contribution was made a  
9 contemporaneous written acknowledgment  
10 (within the meaning of subsection (f)(8))  
11 that such contribution was used (or is to  
12 be used) for a purpose described in clause  
13 (iv)(III).”.

14 (b) CORPORATIONS.—

15 (1) IN GENERAL.—Paragraph (2) of section  
16 170(b) of the Internal Revenue Code of 1986 is  
17 amended by redesignating subparagraph (C) as sub-  
18 paragraph (D) and by inserting after subparagraph  
19 (B) the following new subparagraph:

20 “(C) QUALIFIED DISASTER CONTRIBU-  
21 TIONS.—

22 “(i) IN GENERAL.—Any qualified dis-  
23 aster contribution shall be allowed to the  
24 extent that the aggregate of such contribu-  
25 tions does not exceed the excess of 20 per-

1 cent of the taxpayer's taxable income over  
2 the amount of charitable contributions al-  
3 lowed under subparagraph (A).

4 “(ii) CARRYOVER.—If the aggregate  
5 amount of contributions described in clause  
6 (i) exceeds the limitation under clause (i),  
7 such excess shall be treated (in a manner  
8 consistent with the rules of subsection  
9 (d)(1)) as a charitable contribution to  
10 which clause (i) applies in each of the 5  
11 succeeding years in order of time.

12 “(iii) QUALIFIED DISASTER CON-  
13 TRIBUTION.—The term ‘qualified disaster  
14 contribution’ has the meaning given such  
15 term under paragraph (2)(F)(iv).

16 “(iv) SUBSTANTIATION REQUIRE-  
17 MENT.—This paragraph shall not apply to  
18 any qualified disaster contribution unless  
19 the taxpayer obtains from such organiza-  
20 tion to which the contribution was made a  
21 contemporaneous written acknowledgment  
22 (within the meaning of subsection (f)(8))  
23 that such contribution was used (or is to  
24 be used) for a purpose described in para-  
25 graph (1)(F)(iv)(III).”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Subparagraph (A) of section 170(b)(2)  
3 of such Code is amended by striking “subpara-  
4 graph (B) applies” and inserting “subpara-  
5 graphs (B) and (C) apply”.

6 (B) Subparagraph (B) of section 170(b)(2)  
7 of such Code is amended by striking “subpara-  
8 graph (A)” and inserting “subparagraphs (A)  
9 and (C)”.

10 (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to disasters arising in taxable years  
12 ending after December 31, 2011.

13 **SEC. 509. LOSSES ATTRIBUTABLE TO DISASTERS IN 2012,**  
14 **2013, 2014, AND 2015.**

15 (a) IN GENERAL.—Section 165(h) of the Internal  
16 Revenue Code of 1986 is amended by redesignating para-  
17 graphs (3) and (4) as paragraphs (4) and (5), respectively,  
18 and by inserting after paragraph (2) the following:

19 “(3) SPECIAL RULE FOR LOSSES IN FEDERALLY  
20 DECLARED DISASTERS.—

21 “(A) IN GENERAL.—If an individual has a  
22 net disaster loss for any taxable year, the  
23 amount determined under paragraph (2)(A)(ii)  
24 shall be the sum of—

25 “(i) such net disaster loss, and

1 “(ii) so much of the excess referred to  
2 in the matter preceding clause (i) of para-  
3 graph (2)(A) (reduced by the amount in  
4 clause (i) of this subparagraph) as exceeds  
5 10 percent of the adjusted gross income of  
6 the individual.

7 “(B) NET DISASTER LOSS.—For purposes  
8 of subparagraph (A), the term ‘net disaster  
9 loss’ means the excess of—

10 “(i) the personal casualty losses—

11 “(I) attributable to a federally  
12 declared disaster occurring during the  
13 period beginning after December 31,  
14 2007, and before January 1, 2010, or  
15 during the period beginning after De-  
16 cember 31, 2011, and before January  
17 1, 2016, and

18 “(II) occurring in a disaster  
19 area, over

20 “(ii) personal casualty gains.

21 “(C) FEDERALLY DECLARED DISASTER.—

22 For purposes of this paragraph—

23 “(i) FEDERALLY DECLARED DIS-  
24 ASTER.—The term ‘federally declared dis-

1                   aster’ has the meaning given such term by  
2                   subsection (i)(5)(A).

3                   “(ii) DISASTER AREA.—The term ‘dis-  
4                   aster area’ has the meaning given such  
5                   term by subsection (i)(5)(B).”.

6           (b) CONFORMING AMENDMENT.—Paragraph (4) of  
7   section 165(h) of such Code, as so redesignated, is amend-  
8   ed by striking “paragraph (2)” and inserting “paragraphs  
9   (2) and (3)”.

10          (c) LOSS ALLOWED WHETHER OR NOT INDIVIDUAL  
11   ITEMIZED DEDUCTIONS.—Section 62(a) of the Internal  
12   Revenue Code of 1986 is amended by inserting after para-  
13   graph (21) the following new paragraph:

14               “(22) DISASTER CASUALTY LOSSES.—Any net  
15               disaster loss (as defined in section 165(h)(3)(B)).”.

16          (d) TECHNICAL AMENDMENT.—Subparagraph (A) of  
17   section 165(i)(5) of the Internal Revenue Code of 1986  
18   is amended by inserting “major” after “means any”.

19          (e) EFFECTIVE DATE.—The amendments made by  
20   this section shall apply to disasters declared in taxable  
21   years beginning after December 31, 2011.

22          (f) USE OF AMENDED INCOME TAX RETURNS TO  
23   TAKE INTO ACCOUNT RECEIPT OF CERTAIN CASUALTY  
24   LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN  
25   CASUALTY LOSS DEDUCTIONS.—

1           (1) IN GENERAL.—Notwithstanding any other  
2       provision of the Internal Revenue Code of 1986, if  
3       a taxpayer—

4           (A) claims a deduction for any taxable year  
5       with respect to a casualty loss to a principal  
6       residence (within the meaning of section 121 of  
7       such Code) resulting from any federally de-  
8       clared disaster (as defined in section  
9       165(h)(3)(C) of such Code) occurring during  
10      the period beginning after December 31, 2011,  
11      and before January 1, 2016, and

12          (B) in a subsequent taxable year receives  
13      a grant under any Federal or State program as  
14      reimbursement for such loss,  
15      such taxpayer may elect to file an amended income  
16      tax return for the taxable year in which such deduc-  
17      tion was allowed (and for any taxable year to which  
18      such deduction is carried) and reduce (but not below  
19      zero) the amount of such deduction by the amount  
20      of such reimbursement.

21          (2) TIME OF FILING AMENDED RETURN.—  
22      Paragraph (1) shall apply with respect to any grant  
23      only if any amended income tax returns with respect  
24      to such grant are filed not later than the later of—



1 (A) the due date for filing the tax return  
2 for the taxable year in which the taxpayer re-  
3 ceives such grant, or

4 (B) the date which is 1 year after the date  
5 of the enactment of this Act.

6 (3) WAIVER OF PENALTIES AND INTEREST.—

7 Any underpayment of tax resulting from the reduc-  
8 tion under paragraph (1) of the amount otherwise  
9 allowable as a deduction shall not be subject to any  
10 penalty or interest under such Code if such tax is  
11 paid not later than 1 year after the filing of the  
12 amended return to which such reduction relates.

13 **SEC. 510. NET OPERATING LOSSES ATTRIBUTABLE TO DIS-**  
14 **ASTERS IN 2012, 2013, 2014, AND 2015.**

15 (a) IN GENERAL.—Section 172(b)(1) of the Internal  
16 Revenue Code of 1986 is amended by adding at the end  
17 the following:

18 “(G) CERTAIN LOSSES ATTRIBUTABLE  
19 FEDERALLY DECLARED DISASTERS.—In the  
20 case of a taxpayer who has a qualified disaster  
21 loss (as defined in subsection (i)), such loss  
22 shall be a net operating loss carryback to each  
23 of the 5 taxable years preceding the taxable  
24 year of such loss.”.

1 (b) RULES RELATING TO QUALIFIED DISASTER  
2 LOSSES.—Section 172 of the Internal Revenue Code of  
3 1986 is amended by redesignating subsection (i) a sub-  
4 section (j) and by inserting after subsection (h) the fol-  
5 lowing:

6 “(i) RULES RELATING TO QUALIFIED DISASTER  
7 LOSSES.—For purposes of this section—

8 “(1) IN GENERAL.—The term ‘qualified dis-  
9 aster loss’ means the lesser of—

10 “(A) the sum of—

11 “(i) the losses allowable under section  
12 165 for the taxable year—

13 “(I) attributable to a federally  
14 declared disaster (as defined in sec-  
15 tion 165(i)(5)(A)) occurring during  
16 the period beginning after December  
17 31, 2007, and before January 1,  
18 2010, or during the period beginning  
19 after December 31, 2011, and before  
20 January 1, 2016, and

21 “(II) occurring in a disaster area  
22 (as defined in section 165(i)(5)(B)),  
23 and

24 “(ii) the deduction for the taxable  
25 year for qualified disaster expenses which

1 is allowable under section 198A(a) or  
2 which would be so allowable if not other-  
3 wise treated as an expense, or

4 “(B) the net operating loss for such tax-  
5 able year.

6 “(2) COORDINATION WITH SUBSECTION  
7 (b)(2).—For purposes of applying subsection (b)(2),  
8 a qualified disaster loss for any taxable year shall be  
9 treated in a manner similar to the manner in which  
10 a specified liability loss is treated.

11 “(3) ELECTION.—Any taxpayer entitled to a 5-  
12 year carryback under subsection (b)(1)(G) from any  
13 loss year may elect to have the carryback period  
14 with respect to such loss year determined without re-  
15 gard to subsection (b)(1)(G). Such election shall be  
16 made in such manner as may be prescribed by the  
17 Secretary and shall be made by the due date (includ-  
18 ing extensions of time) for filing the taxpayer’s re-  
19 turn for the taxable year of the net operating loss.  
20 Such election, once made for any taxable year, shall  
21 be irrevocable for such taxable year.

22 “(4) EXCLUSION.—The term ‘qualified disaster  
23 loss’ shall not include any loss with respect to any  
24 property described in section 1400N(p)(3).”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to losses arising in taxable years  
3 beginning after December 31, 2011, in connection with  
4 disasters declared after such date.

5 **SEC. 511. WAIVER OF CERTAIN MORTGAGE REVENUE BOND**  
6 **REQUIREMENTS FOLLOWING 2012, 2013, 2014,**  
7 **AND 2015 DISASTERS.**

8 (a) IN GENERAL.—Paragraph (13) of section 143(k)  
9 of the Internal Revenue Code of 1986 is amended by strik-  
10 ing “before January 1, 2010” in subparagraphs (A)(i) and  
11 (B)(i) of such paragraph and inserting “during the period  
12 beginning after December 31, 2007, and before January  
13 1, 2010, or during the period beginning after December  
14 31, 2011, and before January 1, 2016”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply to disasters occurring after Decem-  
17 ber 31, 2011.

18 **SEC. 512. INCREASED EXPENSING AND BONUS DEPRECIA-**  
19 **TION FOR QUALIFIED DISASTER ASSISTANCE**  
20 **PROPERTY FOLLOWING 2012, 2013, 2014, AND**  
21 **2015 DISASTERS.**

22 (a) IN GENERAL.—Subclause (I) of section  
23 168(n)(2)(A)(ii) of the Internal Revenue Code of 1986 is  
24 amended by striking “before January 1, 2010” and insert-  
25 ing “during the period beginning after December 31,

1 2007, and before January 1, 2010, or during the period  
2 beginning after December 31, 2011, and before January  
3 1, 2016”.

4 (b) REMOVAL OF EXCLUSION.—Section  
5 168(n)(2)(B)(i) of such Code is amended by inserting  
6 “and” at the end of subclause (I), by striking “, and”  
7 at the end of subclause (II) and inserting a period, and  
8 by striking subclause (III).

9 (c) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to property placed in service after  
11 December 31, 2011, with respect to disasters declared  
12 after such date.

13 **SEC. 513. INCREASE IN NEW MARKETS TAX CREDIT FOR IN-**  
14 **VESTMENTS IN COMMUNITY DEVELOPMENT**  
15 **ENTITIES SERVING 2012, 2013, 2014, AND 2015**  
16 **DISASTER AREAS.**

17 (a) IN GENERAL.—Subsection (f) of section 45D of  
18 the Internal Revenue Code of 1986 is amended by adding  
19 at the end the following new paragraph:

20 “(4) INCREASED SPECIAL ALLOCATION FOR  
21 COMMUNITY DEVELOPMENT ENTITIES SERVING DIS-  
22 ASTER AREAS WITH RESPECT TO DISASTERS OCCUR-  
23 RING IN ANY OF CALENDAR YEARS 2012 THROUGH  
24 2015.—

1           “(A) IN GENERAL.—In the case of each  
2           calendar year which begins after 2012 and be-  
3           fore 2017, the new markets tax credit limitation  
4           shall be increased by an amount equal to  
5           \$500,000,000, to be allocated among qualified  
6           community development entities to make quali-  
7           fied low-income community investments within  
8           any covered federally declared disaster area.

9           “(B) ALLOCATION OF INCREASE.—The  
10          amount of the increase in limitation under sub-  
11          paragraph (A) shall be allocated by the Sec-  
12          retary under paragraph (2) to qualified commu-  
13          nity development entities and shall give priority  
14          to such entities with a record of having success-  
15          fully provided capital or technical assistance to  
16          businesses or communities within any covered  
17          federally declared disaster area or areas for  
18          which the allocation is requested.

19          “(C) APPLICATION OF CARRYFORWARD.—  
20          Paragraph (3) shall be applied separately with  
21          respect to the amount of any increase under  
22          subparagraph (A).

23          “(D) COVERED FEDERALLY DECLARED  
24          DISASTER AREA.—For purposes of this para-  
25          graph, the term ‘covered federally declared dis-

1           aster area’ means any disaster area resulting  
2           from any federally declared disaster occurring  
3           after December 31, 2011, and before January  
4           1, 2016. For purposes of the preceding sen-  
5           tence, the terms ‘federally declared disaster’  
6           and ‘disaster area’ have the meanings given  
7           such terms in section 165(i)(5).”.

8           (b) **EFFECTIVE DATE.**—The amendments made by  
9           this section shall apply to calendar years beginning after  
10          2012.

11       **SEC. 514. SPECIAL RULES FOR USE OF RETIREMENT FUNDS**  
12                               **IN CONNECTION WITH FEDERALLY DE-**  
13                               **CLARED DISASTERS IN 2012, 2013, 2014, AND**  
14                               **2015.**

15           (a) **TAX-FAVORED WITHDRAWALS FROM RETIRE-**  
16          **MENT PLANS.**—

17               (1) **IN GENERAL.**—Paragraph (2) of section  
18          72(t) of the Internal Revenue Code of 1986 is  
19          amended by adding at the end the following new  
20          subparagraph:

21                       “(H) **DISTRIBUTIONS FROM RETIREMENT**  
22                       **PLANS IN CONNECTION WITH FEDERALLY DE-**  
23                       **CLARED DISASTERS DURING IN ANY CALENDAR**  
24                       **YEARS AFTER 2011.**—Any qualified disaster re-  
25                       covery distribution.”.

1           (2) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—Section 72(t) of such Code is amended by  
2           adding at the end the following new paragraph:  
3

4           “(11) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—For purposes of paragraph (2)(H)—  
5

6           “(A) IN GENERAL.—Except as provided in  
7           subparagraph (B), the term ‘qualified disaster  
8           recovery distribution’ means, with respect to  
9           any federally declared disaster occurring in any  
10          calendar year beginning after 2011 and before  
11          January 1, 2016, any distribution from an eli-  
12          gible retirement plan made on or after the ap-  
13          plicable disaster date and before the date that  
14          is 1 year after the applicable disaster date, to  
15          an individual whose principal place of abode on  
16          the applicable disaster date, is located in the  
17          disaster area and who has sustained an eco-  
18          nomic loss by reason of such federally declared  
19          disaster.

20          “(B) DOLLAR LIMITATION.—

21                 “(i) IN GENERAL.—For purposes of  
22                 this subsection, the aggregate amount of  
23                 distributions received by an individual with  
24                 respect to any federally declared disaster  
25                 occurring during in any calendar year be-



1           ginning after 2011 shall not exceed  
2           \$100,000.

3           “(ii) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual  
4           would (without regard to clause (i)) be a  
5           qualified disaster recovery distribution, a  
6           plan shall not be treated as violating any  
7           requirement of this title merely because  
8           the plan treats such distribution as a  
9           qualified disaster recovery distribution, un-  
10          less the aggregate amount of such distribu-  
11          tions from all plans maintained by the em-  
12          ployer (and any member of any controlled  
13          group which includes the employer) to such  
14          individual with respect to any federally de-  
15          clared disaster occurring in any calendar  
16          year beginning after 2011 exceeds  
17          \$100,000.

18           “(iii) CONTROLLED GROUP.—For pur-  
19          poses of clause (ii), the term ‘controlled  
20          group’ means any group treated as a single  
21          employer under subsection (b), (c), (m), or  
22          (o) of section 414.

23           “(C) AMOUNT DISTRIBUTED MAY BE RE-  
24          PAID.—  
25

1           “(i) IN GENERAL.—Any individual  
2           who receives a qualified disaster recovery  
3           distribution may, at any time during the 3-  
4           year period beginning on the day after the  
5           date on which such distribution was re-  
6           ceived, make one or more contributions in  
7           an aggregate amount not to exceed the  
8           amount of such distribution to an eligible  
9           retirement plan of which such individual is  
10          a beneficiary and to which a rollover con-  
11          tribution of such distribution could be  
12          made under section 402(c), 403(a)(4),  
13          403(b)(8), 408(d)(3), or 457(e)(16), as the  
14          case may be.

15          “(ii) TREATMENT OF REPAYMENTS OF  
16          DISTRIBUTIONS FROM ELIGIBLE RETIRE-  
17          MENT PLANS OTHER THAN IRAS.—For  
18          purposes of this title, if a contribution is  
19          made pursuant to clause (i) with respect to  
20          a qualified disaster recovery distribution  
21          from an eligible retirement plan other than  
22          an individual retirement plan, then the tax-  
23          payer shall, to the extent of the amount of  
24          the contribution, be treated as having re-  
25          ceived the qualified disaster recovery dis-

1           tribution in an eligible rollover distribution  
2           (as defined in section 402(c)(4)) and as  
3           having transferred the amount to the eligi-  
4           ble retirement plan in a direct trustee to  
5           trustee transfer within 60 days of the dis-  
6           tribution.

7           “(iii) TREATMENT OF REPAYMENTS  
8           FOR DISTRIBUTIONS FROM IRAS.—For  
9           purposes of this title, if a contribution is  
10          made pursuant to clause (i) with respect to  
11          a qualified disaster recovery distribution  
12          from an individual retirement plan (as de-  
13          fined by section 7701(a)(37)), then, to the  
14          extent of the amount of the contribution,  
15          the qualified disaster recovery distribution  
16          shall be treated as a distribution described  
17          in section 408(d)(3) and as having been  
18          transferred to the eligible retirement plan  
19          in a direct trustee to trustee transfer with-  
20          in 60 days of the distribution.

21          “(D) INCOME INCLUSION SPREAD OVER 3-  
22          YEAR PERIOD.—

23          “(i) IN GENERAL.—In the case of any  
24          qualified disaster recovery distribution, un-  
25          less the taxpayer elects not to have this

1 paragraph apply for any taxable year, any  
2 amount required to be included in gross in-  
3 come for such taxable year shall be so in-  
4 cluded ratably over the 3-taxable-year pe-  
5 riod beginning with such taxable year.

6 “(ii) SPECIAL RULE.—For purposes of  
7 clause (i), rules similar to the rules of sub-  
8 paragraph (E) of section 408A(d)(3) shall  
9 apply.

10 “(E) OTHER DEFINITIONS.—

11 “(i) FEDERALLY DECLARED DIS-  
12 ASTER; DISASTER AREA.—The terms ‘fed-  
13 erally declared disaster’ and ‘disaster area’  
14 have the meanings given such terms under  
15 section 165(i)(5).

16 “(ii) APPLICABLE DISASTER DATE.—  
17 The term ‘applicable disaster date’ means,  
18 with respect to any federally declared dis-  
19 aster, the date on which such federally de-  
20 clared disaster occurs.

21 “(iii) ELIGIBLE RETIREMENT PLAN.—  
22 The term ‘eligible retirement plan’ shall  
23 have the meaning given such term by sec-  
24 tion 402(c)(8)(B).

25 “(F) SPECIAL RULES.—

1 “(i) EXEMPTION OF DISTRIBUTIONS  
2 FROM TRUSTEE TO TRUSTEE TRANSFER  
3 AND WITHHOLDING RULES.—For purposes  
4 of sections 401(a)(31), 402(f), and 3405,  
5 qualified disaster recovery distributions  
6 shall not be treated as eligible rollover dis-  
7 tributions.

8 “(ii) QUALIFIED DISASTER RECOVERY  
9 DISTRIBUTIONS TREATED AS MEETING  
10 PLAN DISTRIBUTION REQUIREMENTS.—  
11 For purposes of this title, a qualified dis-  
12 aster recovery distribution shall be treated  
13 as meeting the requirements of sections  
14 401(k)(2)(B)(i), 403(b)(7)(A)(ii),  
15 403(b)(11), and 457(d)(1)(A).”.

16 (3) EFFECTIVE DATE.—The amendments made  
17 by this subsection shall apply to distributions with  
18 respect to disaster declared after December 31,  
19 2011.

20 (b) LOANS FROM QUALIFIED PLANS.—

21 (1) IN GENERAL.—Subsection (p) of section 72  
22 of the Internal Revenue Code of 1986 is amended by  
23 adding at the end the following new paragraph:

1           “(6) INCREASE IN LIMIT ON LOANS NOT TREAT-  
2           ED AS DISTRIBUTIONS WITH RESPECT TO DISASTERS  
3           IN ANY CALENDAR YEAR AFTER 2011.—

4           “(A) IN GENERAL.—In the case of any  
5           loan from a qualified employer plan to a quali-  
6           fied individual made during the applicable pe-  
7           riod—

8                   “(i) clause (i) of paragraph (2)(A)  
9                   shall be applied by substituting ‘\$100,000’  
10                  for ‘\$50,000’, and

11                  “(ii) clause (ii) of such paragraph  
12                  shall be applied by substituting ‘the  
13                  present value of the nonforfeitable accrued  
14                  benefit of the employee under the plan’ for  
15                  ‘one-half of the present value of the non-  
16                  forfeitable accrued benefit of the employee  
17                  under the plan’.

18           “(B) DELAY OF REPAYMENT.—In the case  
19           of a qualified individual with an outstanding  
20           loan on or after the applicable disaster date  
21           from a qualified employer plan—

22                   “(i) if the due date pursuant to sub-  
23                   paragraph (B) or (C) of paragraph (2) for  
24                   any repayment with respect to such loan  
25                   occurs during the 1-year period beginning

1 on the applicable disaster date, such due  
2 date shall be delayed for 1 year,

3 “(ii) any subsequent repayments with  
4 respect to any such loan shall be appro-  
5 priately adjusted to reflect the delay in the  
6 due date under clause (i) and any interest  
7 accruing during such delay, and

8 “(iii) in determining the 5-year period  
9 and the term of a loan under subpara-  
10 graph (B) or (C) of paragraph (2), the pe-  
11 riod described in clause (i) shall be dis-  
12 regarded.

13 “(C) DEFINITIONS.—For purposes of this  
14 paragraph—

15 “(i) QUALIFIED INDIVIDUAL.—The  
16 term ‘qualified individual’ means, with re-  
17 spect to any federally declared disaster oc-  
18 ccurring during in any calendar year begin-  
19 ning after 2011, an individual whose prin-  
20 cipal place of abode on the applicable dis-  
21 aster date is located in the disaster area  
22 and who has sustained an economic loss by  
23 reason of such federally declared disaster.

24 “(ii) APPLICABLE PERIOD.—The ap-  
25 plicable period is the period beginning on

1 the applicable disaster date and ending on  
2 December 31, 2016.

3 “(iii) FEDERALLY DECLARED DIS-  
4 ASTER; DISASTER AREA.—The terms ‘fed-  
5 erally declared disaster’ and ‘disaster area’  
6 have the meanings given such terms under  
7 section 165(i)(5).

8 “(iv) APPLICABLE DISASTER DATE.—  
9 The term ‘applicable disaster date’ means,  
10 with respect to any federally declared dis-  
11 aster, the date on which such federally de-  
12 clared disaster occurs.”.

13 (2) EFFECTIVE DATE.—The amendment made  
14 by this subsection shall apply to loans made with re-  
15 spect to disaster declared after December 31, 2011.

16 (c) PROVISIONS RELATING TO PLAN AMEND-  
17 MENTS.—

18 (1) IN GENERAL.—If this subsection applies to  
19 any amendment to any plan or annuity contract,  
20 such plan or contract shall be treated as being oper-  
21 ated in accordance with the terms of the plan during  
22 the period described in paragraph (2)(B)(i).

23 (2) AMENDMENTS TO WHICH SUBSECTION AP-  
24 PLIES.—



1 (A) IN GENERAL.—This subsection shall  
2 apply to any amendment to any plan or annuity  
3 contract which is made—

4 (i) pursuant to any provision of, or  
5 amendment made by, this section, or pur-  
6 suant to any regulation issued by the Sec-  
7 retary or the Secretary of Labor under any  
8 provision of, or amendment made by, this  
9 section, and

10 (ii) on or before the last day of the  
11 first plan year beginning on or after Janu-  
12 ary 1, 2016, or such later date as the Sec-  
13 retary may prescribe.

14 In the case of a governmental plan (as defined  
15 in section 414(d)), clause (ii) shall be applied  
16 by substituting the date which is 2 years after  
17 the date otherwise applied under clause (ii).

18 (B) CONDITIONS.—This subsection shall  
19 not apply to any amendment unless—

20 (i) during the period—

21 (I) beginning on the date that  
22 the provisions of, and amendments  
23 made by, this section or the regulation  
24 described in subparagraph (A)(i)  
25 takes effect (or in the case of a plan

1 or contract amendment not required  
2 by the provisions of, or amendments  
3 made by, this section or such regula-  
4 tion, the effective date specified by the  
5 plan), and

6 (II) ending on the date described  
7 in subparagraph (A)(ii) (or, if earlier,  
8 the date the plan or contract amend-  
9 ment is adopted),  
10 the plan or contract is operated as if such  
11 plan or contract amendment were in effect,  
12 and

13 (ii) such plan or contract amendment  
14 applies retroactively for such period.

15 **SEC. 515. ADDITIONAL EXEMPTION FOR HOUSING QUALI-**  
16 **FIED DISASTER DISPLACED INDIVIDUALS.**

17 (a) IN GENERAL.—Section 151 of the Internal Rev-  
18 enue Code of 1986 is amended by adding at the end the  
19 following new subsection:

20 “(f) ADDITIONAL EXEMPTION FOR CERTAIN DIS-  
21 ASTER-DISPLACED INDIVIDUALS.—

22 “(1) IN GENERAL.—In the case of any taxable  
23 year beginning in any calendar year beginning after  
24 2011, there shall be allowed an exemption of \$500

1       for each qualified disaster-displaced individual with  
2       respect to the taxpayer for the taxable year.

3           “(2) LIMITATIONS.—

4               “(A) DOLLAR LIMITATION.—The exemp-  
5       tion under paragraph (1) shall not exceed  
6       \$2,000, reduced by the amount of the exemp-  
7       tion under this subsection for all prior taxable  
8       years.

9               “(B) INDIVIDUALS TAKEN INTO ACCOUNT  
10      ONLY ONCE.—An individual shall not be taken  
11      into account under paragraph (1) if such indi-  
12      vidual was taken into account under this sub-  
13      section by the taxpayer for any prior taxable  
14      year.

15              “(C) IDENTIFYING INFORMATION RE-  
16      QUIRED.—An individual shall not be taken into  
17      account under paragraph (1) for a taxable year  
18      unless the taxpayer identification number of  
19      such individual is included on the return of the  
20      taxpayer for such taxable year.

21              “(3) QUALIFIED DISASTER-DISPLACED INDIVIDUAL.—

22               “(A) IN GENERAL.—For purposes of this  
23      subsection, the term ‘qualified disaster-dis-  
24      placed individual’ means, with respect to any  
25

1 taxpayer for any taxable year, any qualified in-  
2 dividual if such individual is provided housing  
3 free of charge by the taxpayer in the principal  
4 residence of the taxpayer for a period of 60  
5 consecutive days which ends in such taxable  
6 year. Such term shall not include the spouse or  
7 any dependent of the taxpayer.

8 “(B) QUALIFIED INDIVIDUAL.—The term  
9 ‘qualified individual’ means any individual  
10 who—

11 “(i) on the date of a federally declared  
12 disaster occurring in calendar years begin-  
13 ning after 2011 and before 2016 main-  
14 tained such individual’s principal place of  
15 abode in the disaster area declared with re-  
16 spect to such disaster, and

17 “(ii) was displaced from such prin-  
18 cipal place of abode by reason of the feder-  
19 ally declared disaster.

20 For purposes of the preceding sentence, the  
21 terms ‘federally declared disaster’ and ‘disaster  
22 area’ have the meanings given such terms in  
23 section 165(i)(5).

24 “(4) COMPENSATION FOR HOUSING.—No de-  
25 duction shall be allowed under this subsection if the

1 taxpayer receives any rent or other amount (from  
2 any source) in connection with the providing of such  
3 housing.”.

4 (b) EFFECTIVE DATE.—The amendment made by  
5 this section shall apply to taxable years beginning after  
6 December 31, 2011.

7 **SEC. 516. EXCLUSIONS OF CERTAIN CANCELLATIONS OF IN-**  
8 **DEBTEDNESS BY REASON OF 2012, 2013, 2014,**  
9 **AND 2015 DISASTERS.**

10 (a) IN GENERAL.—Section 108 of the Internal Rev-  
11 enue Code of 1986 is amended by adding at the end the  
12 following new subsection:

13 “(j) DISCHARGE OF INDEBTEDNESS FOR INDIVID-  
14 UALS AFFECTED BY DISASTERS IN ANY CALENDAR YEAR  
15 AFTER 2011.—

16 “(1) IN GENERAL.—Except as provided in para-  
17 graph (2), gross income shall not include any  
18 amount which (but for this subsection) would be in-  
19 cludible in gross income by reason of any discharge  
20 (in whole or in part) of indebtedness of a natural  
21 person described in paragraph (3) by an applicable  
22 entity (as defined in section 6050P(c)(1)) during the  
23 applicable period.

24 “(2) EXCEPTIONS FOR BUSINESS INDEBTED-  
25 NESS.—Paragraph (1) shall not apply to any indebt-

1 edness incurred in connection with a trade or busi-  
2 ness.

3 “(3) PERSONS DESCRIBED.—A natural person  
4 is described in this paragraph if the principal place  
5 of abode of such person on the applicable disaster  
6 date was located in the disaster area with respect to  
7 any federally declared disaster occurring during any  
8 calendar year beginning after 2011 and before 2016.

9 “(4) APPLICABLE PERIOD.—For purposes of  
10 this subsection, the term ‘applicable period’ means  
11 the period beginning on the applicable disaster date  
12 and ending on the date which is 14 months after  
13 such date.

14 “(5) OTHER DEFINITIONS.—For purposes of  
15 this subsection—

16 “(A) FEDERALLY DECLARED DISASTER;  
17 DISASTER AREA.—The terms ‘federally declared  
18 disaster’ and ‘disaster area’ have the meanings  
19 given such terms under section 165(i)(5).

20 “(B) APPLICABLE DISASTER DATE.—The  
21 term ‘applicable disaster date’ means, with re-  
22 spect to any federally declared disaster, the  
23 date on which such federally declared disaster  
24 occurs.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to discharges made on or after De-  
3 cember 31, 2011.

4 **SEC. 517. SPECIAL RULE FOR DETERMINING EARNED IN-**  
5 **COME OF INDIVIDUALS AFFECTED BY FEDER-**  
6 **ALLY DECLARED DISASTERS.**

7 (a) IN GENERAL.—Section 32 of the Internal Rev-  
8 enue Code of 1986 is amended by adding at the end the  
9 following new subsection:

10 “(n) SPECIAL RULE FOR DETERMINING EARNED IN-  
11 COME OF TAXPAYERS AFFECTED BY FEDERALLY DE-  
12 CLARED DISASTERS.—

13 “(1) IN GENERAL.—In the case of a qualified  
14 individual with respect to any federally declared dis-  
15 aster occurring during any calendar year beginning  
16 after 2011, if the earned income of the taxpayer for  
17 the taxable year which includes the applicable dis-  
18 aster date is less than the earned income of the tax-  
19 payer for the preceding taxable year, the credit al-  
20 lowed under this section and section 24(d) may, at  
21 the election of the taxpayer, be determined by sub-  
22 stituting—

23 “(A) such earned income for the preceding  
24 taxable year, for

1           “(B) such earned income for the taxable  
2           year which includes the applicable date.

3           “(2) QUALIFIED INDIVIDUAL.—For purposes of  
4           this subsection, the term ‘qualified individual’  
5           means, with respect to any federally declared dis-  
6           aster occurring during in any calendar year begin-  
7           ning after 2011 and before 2016, any individual  
8           whose principal place of abode on the applicable dis-  
9           aster date, was located—

10           “(A) in any portion of a disaster area de-  
11           termined by the President to warrant individual  
12           or individual and public assistance under the  
13           Robert T. Stafford Disaster Relief and Emer-  
14           gency Assistance Act by reason of the federally  
15           declared disaster, or

16           “(B) in any portion of the disaster area  
17           not described in subparagraph (A) and such in-  
18           dividual was displaced from such principal place  
19           of abode by reason of the federally declared dis-  
20           aster.

21           “(3) OTHER DEFINITIONS.—For purposes of  
22           this paragraph—

23           “(A) FEDERALLY DECLARED DISASTER;  
24           DISASTER AREA.—The terms ‘federally declared



1 disaster' and 'disaster area' have the meanings  
2 given such terms under section 165(i)(5).

3 “(B) APPLICABLE DISASTER DATE.—The  
4 term ‘applicable disaster date’ means, with re-  
5 spect to any federally declared disaster, the  
6 date on which such federally declared disaster  
7 occurs.

8 “(4) SPECIAL RULES.—

9 “(A) APPLICATION TO JOINT RETURNS.—  
10 For purposes of paragraph (1), in the case of  
11 a joint return for a taxable year which includes  
12 the disaster date—

13 “(i) such paragraph shall apply if ei-  
14 ther spouse is a qualified individual, and

15 “(ii) the earned income of the tax-  
16 payer for the preceding taxable year shall  
17 be the sum of the earned income of each  
18 spouse for such preceding taxable year.

19 “(B) UNIFORM APPLICATION OF ELEC-  
20 TION.—Any election made under paragraph (1)  
21 shall apply with respect to both section 24(d)  
22 and this section.

23 “(C) ERRORS TREATED AS MATHEMATICAL  
24 ERROR.—For purposes of section 6213, an in-  
25 correct use on a return of earned income pursu-

1 ant to paragraph (1) shall be treated as a  
2 mathematical or clerical error.

3 “(D) NO EFFECT ON DETERMINATION OF  
4 GROSS INCOME, ETC.—Except as otherwise pro-  
5 vided in this subsection, this title shall be ap-  
6 plied without regard to any substitution under  
7 paragraph (1).”.

8 (b) CHILD TAX CREDIT.—Section 24(d) of the Inter-  
9 nal Revenue Code of 1986 is amended by inserting after  
10 paragraph (2) the following new paragraph:

11 “(3) SPECIAL RULE FOR DETERMINING  
12 EARNED INCOME OF TAXPAYERS AFFECTED BY FED-  
13 ERALLY DECLARED DISASTERS.—For election by  
14 qualified individuals with respect to certain federally  
15 declared disasters to substitute earned income from  
16 the preceding taxable year, see section 32(n).”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to taxable years beginning after  
19 December 31, 2011.

20 **SEC. 518. INCREASE IN REHABILITATION CREDIT FOR**  
21 **BUILDINGS IN 2012, 2013, 2014, AND 2015 DIS-**  
22 **ASTER AREAS.**

23 (a) IN GENERAL.—Section 47 of the Internal Rev-  
24 enue Code of 1986 is amended by adding at the end the  
25 following new subsection:

1       “(e) SPECIAL RULE FOR EXPENDITURES MADE IN  
2 CONNECTION WITH CERTAIN DISASTERS.—

3           “(1) IN GENERAL.—In the case of qualified re-  
4 habilitation expenditures paid or incurred during the  
5 applicable period with respect to any qualified reha-  
6 bilitated building or certified historic structure lo-  
7 cated in a disaster area with respect to any federally  
8 declared disaster occurring in, subsection (a) shall  
9 be applied—

10           “(A) by substituting ‘13 percent’ for ‘10  
11 percent’ in paragraph (1) thereof, and

12           “(B) by substituting ‘26 percent’ for ‘20  
13 percent’ in paragraph (2) thereof.

14       “(2) DEFINITIONS.—For purposes of this sub-  
15 section—

16           “(A) FEDERALLY DECLARED DISASTER;  
17 DISASTER AREA.—The terms ‘federally declared  
18 disaster’ and ‘disaster area’ have the meanings  
19 given such terms under section 165(i)(5).

20           “(B) APPLICABLE PERIOD.—The term ‘ap-  
21 plicable period’ means the period beginning on  
22 the applicable disaster date and ending on De-  
23 cember 31, 2015.

24           “(C) APPLICABLE DISASTER DATE.—The  
25 term ‘applicable disaster date’ means, with re-

1           spect to any federally declared disaster, the  
2           date on which such federally declared disaster  
3           occurs.”.

4           (b) **EFFECTIVE DATE.**—The amendments made by  
5 this section shall apply to amounts paid or incurred after  
6 December 31, 2011.

7 **SEC. 519. ADVANCED REFUNDINGS OF CERTAIN TAX-EX-**  
8 **EMPT BONDS.**

9           (a) **IN GENERAL.**—Section 149(d) of the Internal  
10 Revenue Code of 1986 is amended by redesignating para-  
11 graph (7) as paragraph (8) and by inserting after para-  
12 graph (6) the following new paragraph:

13                   “(7) **SPECIAL RULE WITH RESPECT TO CER-**  
14 **TAIN NATURAL DISASTERS.**—

15                           “(A) **IN GENERAL.**—With respect to a  
16 bond described in subparagraph (C), one addi-  
17 tional advance refunding after the date of the  
18 enactment of this paragraph and before Janu-  
19 ary 1, 2018, shall be allowed under the rules of  
20 this subsection if—

21                                   “(i) the Governor of the State des-  
22 ignates the advance refunding bond for  
23 purposes of this subsection, and

24                                   “(ii) the requirements of subpara-  
25 graph (E) are met.

1           “(B) CERTAIN PRIVATE ACTIVITY  
2 BONDS.—With respect to a bond described in  
3 subparagraph (C) which is an exempt facility  
4 bond described in paragraph (1) or (2) of sec-  
5 tion 142(a), one advance refunding after the  
6 date of the enactment of this paragraph and be-  
7 fore January 1, 2018, shall be allowed under  
8 the applicable rules of this subsection (notwith-  
9 standing paragraph (2) thereof) if the require-  
10 ments of clauses (i) and (ii) of subparagraph  
11 (A) are met.

12           “(C) BONDS DESCRIBED.—A bond is de-  
13 scribed in this paragraph if, with respect to any  
14 federally declared disaster, such bond—

15                   “(i) was outstanding on the applicable  
16 disaster date, and

17                   “(ii) is issued by an applicable State  
18 or a political subdivision thereof.

19           “(D) AGGREGATE LIMIT.—The maximum  
20 aggregate face amount of bonds which may be  
21 designated under this subsection by the Gov-  
22 ernor of a State shall not exceed  
23 \$4,500,000,000.

24           “(E) ADDITIONAL REQUIREMENTS.—The  
25 requirements of this subparagraph are met with

1           respect to any advance refunding of a bond de-  
2           scribed in subparagraph (C) if—

3                   “(i) no advance refundings of such  
4                   bond would be allowed under this title on  
5                   or after the applicable disaster date,

6                   “(ii) the advance refunding bond is  
7                   the only other outstanding bond with re-  
8                   spect to the refunded bond, and

9                   “(iii) the requirements of section 148  
10                  are met with respect to all bonds issued  
11                  under this paragraph.

12               “(F) DEFINITIONS.—For purposes of this  
13               subsection—

14                   “(i)   FEDERALLY   DECLARED   DIS-  
15                   ASTER; DISASTER AREA.—The terms ‘fed-  
16                   erally declared disaster’ and ‘disaster area’  
17                   have the meanings given such terms under  
18                   section 165(i)(5).

19                   “(ii) APPLICABLE DISASTER DATE.—  
20                   The term ‘applicable disaster date’ means,  
21                   with respect to any federally declared dis-  
22                   aster, the date on which such federally de-  
23                   clared disaster occurs.

24                   “(iii) APPLICABLE STATE.—The term  
25                   ‘applicable State’ means, with respect to

1                   any federally declared disaster, any State  
2                   in which a portion of the disaster area is  
3                   located.”.

4       (b) EFFECTIVE DATE.—The amendment made by  
5 this section shall apply to bonds issued after the date of  
6 the enactment of this Act.

7 **SEC. 520. QUALIFIED DISASTER AREA RECOVERY BONDS.**

8       (a) IN GENERAL.—Subpart A of part IV of sub-  
9 chapter B of chapter 1 of the Internal Revenue Code of  
10 1986 is amended by inserting after section 146 the fol-  
11 lowing new section:

12 **“SEC. 146A. QUALIFIED DISASTER AREA RECOVERY BONDS.**

13       “(a) IN GENERAL.—For purposes of this title, any  
14 qualified disaster area recovery bond shall—

15               “(1) be treated as an exempt facility bond, and

16               “(2) not be subject to section 146.

17       “(b) QUALIFIED DISASTER AREA RECOVERY  
18 BOND.—For purposes of this section, the term ‘qualified  
19 disaster area recovery bond’ means any bond issued as  
20 part of an issue if—

21               “(1) 95 percent or more of the net proceeds of  
22 such issue are to be used for qualified project costs,

23               “(2) such bond is issued by a State or any po-  
24 litical subdivision thereof any part of which is in a  
25 qualified disaster area,

1           “(3) the Governor of the issuing State des-  
2           ignates such bond for purposes of this section, and

3           “(4) such bond is issued after the date of the  
4           enactment of this section and before January 1,  
5           2017.

6           “(c) LIMITATION ON AMOUNT OF BONDS.—

7           “(1) IN GENERAL.—The maximum aggregate  
8           face amount of bonds which may be designated  
9           under this section by any State shall not exceed  
10          \$10,000,000,000.

11          “(2) MOVABLE PROPERTY.—No bonds shall be  
12          issued which are to be used for movable fixtures and  
13          equipment.

14          “(3) TREATMENT OF CURRENT REFUNDING  
15          BONDS.—Paragraph (1) shall not apply to any bond  
16          (or series of bonds) issued to refund a qualified dis-  
17          aster area recovery bond, if—

18                 “(A) the average maturity date of the issue  
19                 of which the refunding bond is a part is not  
20                 later than the average maturity date of the  
21                 bonds to be refunded by such issue,

22                 “(B) the amount of the refunding bond  
23                 does not exceed the outstanding amount of the  
24                 refunded bond, and



1           “(C) the net proceeds of the refunding  
2           bond are used to redeem the refunded bond not  
3           later than 90 days after the date of the  
4           issuance of the refunding bond.

5           For purposes of subparagraph (A), average maturity  
6           shall be determined in accordance with section  
7           147(b)(2)(A).

8           “(d) QUALIFIED PROJECT COSTS.—For purposes of  
9           this section, the term ‘qualified project costs’ means the  
10          cost of acquisition, construction, reconstruction, and ren-  
11          ovation of—

12           “(1) residential rental property (as defined in  
13           section 142(d)),

14           “(2) nonresidential real property (including  
15           fixed improvements associated with such property),

16           “(3) a facility described in paragraph (2) or (3)  
17           of section 142(a), or

18           “(4) public utility property (as defined in sec-  
19           tion 168(i)(10)),

20          which is located in a qualified disaster area and was dam-  
21          aged or destroyed by reason of a federally declared dis-  
22          aster.

23           “(e) SPECIAL RULES.—In applying this title to any  
24          qualified disaster area recovery bond, the following modi-  
25          fications shall apply:

1           “(1) Section 147(d) (relating to acquisition of  
2           existing property not permitted) shall be applied by  
3           substituting ‘50 percent’ for ‘15 percent’ each place  
4           it appears.

5           “(2) Section 148(f)(4)(C) (relating to exception  
6           from rebate for certain proceeds to be used to fi-  
7           nance construction expenditures) shall apply to the  
8           available construction proceeds of bonds issued  
9           under this section. For purposes of the preceding  
10          sentence, the following spending requirements shall  
11          apply in lieu of the requirements in clause (ii) of  
12          such section:

13               “(A) 40 percent of such available construc-  
14               tion proceeds are spent for the governmental  
15               purposes of the issue within the 2-year period  
16               beginning on the date the bonds are issued.

17               “(B) 60 percent of such proceeds are spent  
18               for such purposes within the 3-year period be-  
19               ginning on such date.

20               “(C) 80 percent of such proceeds are spent  
21               for such purposes within the 4-year period be-  
22               ginning on such date.

23               “(D) 100 percent of such proceeds are  
24               spent for such purposes within the 5-year pe-  
25               riod beginning on such date.

1           “(3) Repayments of principal on financing pro-  
2       vided by the issue—

3           “(A) may not be used to provide financing,  
4       and

5           “(B) must be used not later than the close  
6       of the first semiannual period beginning after  
7       the date of the repayment to redeem bonds  
8       which are part of such issue.

9       The requirement of subparagraph (B) shall be treat-  
10      ed as met with respect to amounts received within  
11      5 years after the date of issuance of the issue (or,  
12      in the case of a refunding bond, the date of issuance  
13      of the original bond) if such amounts are used by  
14      the close of such 5 years to redeem bonds which are  
15      part of such issue.

16           “(4) Section 57(a)(5) shall not apply.

17           “(f) SEPARATE ISSUE TREATMENT OF PORTIONS OF  
18      AN ISSUE.—This section shall not apply to the portion of  
19      an issue which (if issued as a separate issue) would be  
20      treated as a qualified bond or as a bond that is not a  
21      private activity bond (determined without regard to para-  
22      graph (1)), if the issuer elects to so treat such portion.

23           “(g) QUALIFIED DISASTER AREA; FEDERALLY DE-  
24      CLARED DISASTER.—

“(1) QUALIFIED DISASTER AREA.—The term ‘qualified disaster area’ means any area determined to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of a federally declared disaster occurring during the period beginning after December 31, 2011, and before January 1, 2016.

9 “(2) FEDERALLY DECLARED DISASTER.—The  
10 term ‘federally declared disaster’ has the meaning  
11 given to such term under section 165(i)(5).”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 146 the following new item:

“Sec. 146A. Qualified disaster area recovery bonds.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2015.

19 SEC. 521. ADDITIONAL LOW-INCOME HOUSING CREDIT AL-  
20 LOCATIONS.

(a) IN GENERAL.—Paragraph (3) of section 42(h) of the Internal Revenue Code of 1986 (relating to limitation on aggregate credit allowable with respect to projects located in a State) is amended by adding at the end the following new subparagraph:

1                   “(J) INCREASE IN STATE HOUSING CREDIT  
2                   FOR STATES DAMAGED BY NATURAL DISAS-  
3                   TERS.—

4                   “(i) IN GENERAL.—In the case of cal-  
5                   endar year 2016, the State housing credit  
6                   ceiling of each State any portion of which  
7                   includes any portion of a qualifying dis-  
8                   aster area shall be increased by so much of  
9                   the aggregate housing credit dollar amount  
10                  as does not exceed the applicable limitation  
11                  allocated by the State housing credit agen-  
12                  cy of such State for such calendar year to  
13                  buildings located in qualifying disaster  
14                  areas.

15                  “(ii) APPLICABLE LIMITATION.—For  
16                  purposes of clause (i), the applicable limi-  
17                  tation is the greater of—

18                         “(I) \$8 multiplied by the popu-  
19                         lation of the qualifying disaster areas  
20                         in such State, or

21                         “(II) 50 percent of the State  
22                         housing credit ceiling (determined  
23                         without regard to this subparagraph)  
24                         for 2015.

1 “(iii) APPLICABLE PERCENTAGE.—

2 For purposes of this section, the applicable  
3 percentage with respect to any building to  
4 which amounts allocated under clause (i)  
5 shall be determined under subsection  
6 (b)(2), except that subparagraph (A)  
7 thereof shall be applied by substituting  
8 ‘January 1, 2016’ for ‘January 1, 2015’.

9 “(iv) ALLOCATIONS TREATED AS  
10 MADE FIRST FROM ADDITIONAL ALLOCA-  
11 TION AMOUNT FOR PURPOSES OF DETER-  
12 MINING CARRYOVER.—For purposes of de-  
13 termining the unused State housing credit  
14 ceiling under subparagraph (C) for any  
15 calendar year, any increase in the State  
16 housing credit ceiling under clause (i) shall  
17 be treated as an amount described in  
18 clause (ii) of such subparagraph.

19 “(v) QUALIFYING DISASTER AREA.—  
20 For purposes of this subparagraph, the  
21 term ‘qualifying federally declared disaster  
22 area’ means—

23 “(I) each county which is deter-  
24 mined to warrant individual or indi-  
25 vidual and public assistance from the

1 Federal Government under a quali-  
2 fying natural disaster declaration de-  
3 scribed in clause (vi)(I), and

4 “(II) each county not described  
5 in subclause (I) which is included in  
6 the geographical area covered by a  
7 qualifying natural disaster declaration  
8 described in subclause (II) or (III) of  
9 clause (vi).

10 “(vi) QUALIFYING NATURAL DISASTER  
11 DECLARATION.—For purposes of clause  
12 (v), the term ‘qualifying natural disaster  
13 declaration’ means—

14 “(I) a federally declared disaster  
15 (as defined in section 165(i)(5)) oc-  
16 ccurring during the period beginning  
17 after December 31, 2011, and before  
18 January 1, 2016,

19 “(II) a natural disaster declared  
20 by the Secretary of Agriculture in  
21 2011 due to damaging weather and  
22 other conditions relating to Hurricane  
23 Irene or Tropical Storm Lee under  
24 section 321(a) of the Consolidated

1 Farm and Rural Development Act (7  
2 U.S.C. 1961(a)), or

3 “(III) a major disaster or emer-  
4 gency designated by the President in  
5 2011 due to damaging weather and  
6 other conditions relating to Hurricane  
7 Irene or Tropical Storm Lee under  
8 the Robert T. Stafford Disaster Relief  
9 and Emergency Assistance Act (42  
10 U.S.C. 5121 et seq.).”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 this section shall take effect on the date of the enactment  
13 of this Act.

14 **SEC. 522. FACILITATION OF TRANSFER OF WATER LEASING**  
15 **AND WATER BY MUTUAL DITCH OR IRRIGA-**  
16 **TION COMPANIES IN DISASTER AREAS.**

17 (a) IN GENERAL.—Paragraph (12) of section 501(c)  
18 of the Internal Revenue Code of 1986 is amended by add-  
19 ing at the end the following new subparagraph:

20 “(I) TREATMENT OF MUTUAL DITCH OR  
21 IRRIGATION COMPANIES IN CERTAIN DISASTER  
22 AREAS.—

23 “(i) IN GENERAL.—In the case of a  
24 qualified mutual ditch or irrigation com-  
25 pany or like organization, subparagraph



1 (A) shall be applied without taking into ac-  
2 count any income received or accrued dur-  
3 ing the applicable period—

4 “(I) from the sale, lease, or ex-  
5 change of fee or other interests in real  
6 property, including interests in water,

7 “(II) from the sale or exchange  
8 of stock in a mutual ditch or irriga-  
9 tion company or like organization or  
10 contract rights for the delivery or use  
11 of water,

12 “(III) from the investment of  
13 proceeds from sales, leases, or ex-  
14 changes under subclauses (I) and (II),  
15 or

16 “(IV) from the United States, or  
17 a State or local government, resulting  
18 from the federally declared disaster,

19 except that any income received under sub-  
20 clause (I), (II), (III), or (IV) which is dis-  
21 tributed or expended for expenses (other  
22 than for operations, maintenance, and cap-  
23 ital improvements) of the qualified mutual  
24 ditch or irrigation company or like organi-  
25 zation shall be treated as nonmember in-

1                   come in the year in which it is distributed  
2                   or expended.

3                   “(ii) QUALIFIED MUTUAL DITCH OR  
4                   IRRIGATION COMPANY OR LIKE ORGANIZA-  
5                   TION.—For purposes of this paragraph—

6                   “(I) IN GENERAL.—The term  
7                   ‘qualified mutual ditch or irrigation  
8                   company or like organization’ means  
9                   any mutual ditch or irrigation com-  
10                  pany or like organization that di-  
11                  verted, delivered, transported, stored,  
12                  or used its water for agricultural irri-  
13                  gation purposes on its own or through  
14                  its shareholders in a qualified disaster  
15                  area during any of calendar years  
16                  2012 through 2015.

17                  “(II) QUALIFIED ASSET.—The  
18                  term ‘qualified asset’ means any real  
19                  property or tangible personal property  
20                  used in the mutual ditch or irrigation  
21                  company’s (or like organization’s) sys-  
22                  tem.

23                  “(III) MULTIPLE AREAS.—Under  
24                  regulations, if the qualified assets of  
25                  any mutual ditch or irrigation com-

1           pany or like organization are located  
2           in more than 1 qualified disaster area,  
3           all such areas shall be treated as 1  
4           area and if more than 1 federally de-  
5           clared disaster is involved, the date on  
6           which the last of such disasters oc-  
7           curred shall be the date used for pur-  
8           poses of this paragraph.

9           “(iii) APPLICABLE PERIOD.—For pur-  
10          poses of this paragraph, the term ‘applica-  
11          ble period’ means the taxable year in which  
12          the federally declared disaster occurred  
13          and the 5 following taxable years.

14          “(iv) OTHER DEFINITIONS.—

15                 “(I)     QUALIFIED     DISASTER  
16                 AREA.—The term ‘qualified disaster  
17                 area’ means any area determined to  
18                 warrant individual or individual and  
19                 public assistance from the Federal  
20                 Government under the Robert T.  
21                 Stafford Disaster Relief and Emer-  
22                 gency Assistance Act by reason of a  
23                 federally declared disaster occurring  
24                 during the period beginning on Janu-

1                   ary 1, 2012, and ending on December  
2                   31, 2015.

3                   “(II)   FEDERALLY   DECLARED  
4                   DISASTER.—The term ‘federally de-  
5                   clared disaster’ has the meaning given  
6                   to such term under section  
7                   165(i)(5).”.

8           (b) EFFECTIVE DATE.—The amendment made by  
9   subsection (a) shall apply to taxable years ending after  
10   December 31, 2011.

11   **SEC. 523. EXCLUSION FOR DISASTER MITIGATION PAY-**  
12                   **MENTS RECEIVED FROM STATE AND LOCAL**  
13                   **GOVERNMENTS.**

14           (a) IN GENERAL.—Paragraph (2) of section 139(g)  
15   of the Internal Revenue Code of 1986 is amended by in-  
16   serting “, or any other amount which is paid by a State  
17   or local government or agency or instrumentality thereof,”  
18   after “(as in effect on such date)”.

19           (b) EFFECTIVE DATE.—The amendment made by  
20   this section shall apply to payments received after the date  
21   of the enactment of this Act.

22   **SEC. 524. NATURAL DISASTER FUNDS.**

23           (a) NATURAL DISASTER FUND.—Subpart C of part  
24   II of subchapter E of chapter 1 of the Internal Revenue

1 Code of 1986 is amended by inserting after section 468B  
2 the following new section:

3 **“SEC. 468C. SPECIAL RULES FOR NATURAL DISASTER**  
4 **FUNDS.**

5 “(a) IN GENERAL.—If a qualified taxpayer elects the  
6 application of this section, there shall be allowed as a de-  
7 duction for any taxable year the amount of payments  
8 made by the taxpayer to a natural disaster fund during  
9 such taxable year.

10 “(b) NATURAL DISASTER FUND.—The term ‘natural  
11 disaster fund’ means a fund meeting the following require-  
12 ments:

13 “(1) DESIGNATION.—The taxpayer des-  
14 ignates—

15 “(A) the fund as a natural disaster fund in  
16 the manner prescribed by the Secretary, and

17 “(B) the line or lines of business to which  
18 the fund applies.

19 “(2) SEGREGATION.—The assets of the fund  
20 are segregated from other assets of the taxpayer.

21 “(3) INVESTMENTS.—

22 “(A) The assets of the fund are main-  
23 tained in one or more qualified accounts and  
24 are invested only in—

1                   “(i) deposits with banks whose depos-  
2                   its are insured subject to applicable limits  
3                   by the Federal Deposit Insurance Corpora-  
4                   tion, or

5                   “(ii) in stock or other securities in  
6                   which the fund would be permitted to in-  
7                   vest if it were a capital construction fund  
8                   subject to the investment limitations of  
9                   paragraphs (2) and (3) of section  
10                  7518(b)(2).

11                  “(B) All investment earnings (including  
12                  gains and losses) from investments of the fund  
13                  become part of the fund.

14                  “(4) CONTRIBUTIONS TO THE FUND.—The  
15                  fund does not accept any deposits (or other  
16                  amounts) other than cash payments with respect to  
17                  which a deduction is allowable under subsection (a)  
18                  and earnings (including gains and losses) from fund  
19                  investments.

20                  “(5) PURPOSE.—The fund is established and  
21                  maintained for the purposes of covering costs, ex-  
22                  penses, and losses (including business interruption  
23                  losses) resulting from a Federally declared natural  
24                  disaster to the extent such costs are not covered by  
25                  insurance.

1           “(6) MAXIMUM BALANCE.—The balance of the  
2       fund does not exceed the lesser of—

3           “(A) the sum of—

4               “(i) 150 percent of the maximum de-  
5       ductible, and

6               “(ii) 100 percent of the maximum co-  
7       insurance (to the extent not taken into ac-  
8       count in clause (i)),

9       that, in the case of a Federally declared natural  
10      disaster resulting in losses, the taxpayer could  
11      be expected to pay with respect to property and  
12      business interruption insurance maintained by  
13      the taxpayer for the line of business to which  
14      the fund applies and that would cover losses re-  
15      sulting from a Federally declared natural dis-  
16      aster, and

17           “(B) the maximum loss under any insur-  
18      ance coverage that the taxpayer could reason-  
19      ably expect to occur for the line of business in  
20      the case of a severe natural disaster.

21           “(7) FINANCIAL STATEMENTS.—The fund or  
22      the balance of the fund is recorded in the taxpayer’s  
23      financial statements in accordance with generally ac-  
24      cepted accounting principles and not as a current  
25      asset and the footnotes to the taxpayer’s financial

1 statements include a short description of the fund  
2 and its purposes.

3 “(8) INSURANCE.—The taxpayer property in-  
4 surance maintained by the qualified taxpayer applies  
5 to 75 percent or more of the property used—

6 “(A) in the qualified taxpayer’s line of  
7 business to which the fund relates, and

8 “(B) in the United States.

9 “(c) QUALIFIED TAXPAYER.—For purposes of this  
10 section, the term ‘qualified taxpayer’ means any taxpayer  
11 that—

12 “(1) actively conducts a trade or business, and

13 “(2) maintains property insurance with respect  
14 to such trade or business that insures against losses  
15 in natural disasters.

16 “(d) FAILURE TO MEET REQUIREMENTS.—If a fund  
17 that was a natural disaster fund ceases to meet any of  
18 the requirements of subsection (b) or a taxpayer who has  
19 a natural disaster fund ceases to meet the requirement  
20 of subsection (c), the entire balance of the fund shall be  
21 deemed distributed in a nonqualified distribution at the  
22 time the fund ceases to meet such requirements.

23 “(e) TAXATION OF FUND.—

24 “(1) IN GENERAL.—The earnings (including  
25 gains and losses) from the investment and reinvest-



1       ment of amounts held in the fund shall not be taken  
2       into account in determining the gross income of the  
3       taxpayer that owns the fund.

4           “(2) NOT A SEPARATE TAXPAYER.—A natural  
5       disaster fund shall not be considered a separate tax-  
6       payer for purposes of this subtitle.

7       “(f) TAXATION OF DISTRIBUTIONS FROM THE  
8       FUND.—

9           “(1) QUALIFIED DISTRIBUTIONS.—For pur-  
10      poses of this chapter, qualified distributions shall be  
11      treated in the same manner as proceeds from prop-  
12      erty or business interruption insurance.

13          “(2) NONQUALIFIED DISTRIBUTIONS.—

14           “(A) IN GENERAL.—In the case of any  
15      taxable year for which there is a nonqualified  
16      distribution—

17           “(i) such nonqualified distributions  
18      shall be excluded from the gross income of  
19      the taxpayer, and

20           “(ii) the tax imposed by this chapter  
21      (determined without regard to this sub-  
22      section) shall be increased by the product  
23      of the amount of such nonqualified dis-  
24      tribution and the highest rate of tax speci-

1                   fied in section 1 (section 11 in the case of  
2                   a corporation).

3                   “(B) TAX BENEFIT RULE; COORDINATION  
4                   WITH DEDUCTION FOR NET OPERATING  
5                   LOSSES.—Rules similar to the rules of subpara-  
6                   graphs (B) and (C) of section 7518(g)(6) shall  
7                   apply for purposes of this paragraph.

8                   “(3) ADDITIONAL TAX.—The tax imposed by  
9                   this chapter for any taxable year on any taxpayer  
10                  that a owns natural disaster fund shall be increased  
11                  by the greater of—

12                  “(A) 20 percent of the amount of any non-  
13                  qualified distributions from the fund in the tax-  
14                  able year, and

15                  “(B) an amount equal to interest, at the  
16                  underpayment rate established under section  
17                  6621, on the nonqualified distribution from the  
18                  time the amount is added to the fund to the  
19                  time the amount is distributed.

20                  “(4) INTEREST CALCULATION.—For purposes  
21                  of calculating interest under paragraph (3)(B)—

22                  “(A) all investment earnings (including  
23                  gains or losses) in taxable year shall be treated  
24                  as added to the fund on the last day of the tax-  
25                  able year, and

1           “(B) amounts distributed from the fund  
2           shall be treated as distributed on a first-in,  
3           first-out basis.

4           “(g) DEFINITIONS.—For purposes of this section—

5           “(1) FEDERALLY DECLARED NATURAL DIS-  
6           ASTER.—The term ‘Federally declared natural dis-  
7           aster’ means a natural disaster that is determined  
8           by Presidential declaration under the Robert T.  
9           Stafford Disaster Relief and Emergency Assistance  
10          Act to warrant individual or individual and public  
11          assistance under such Act.

12          “(2) NONQUALIFIED DISTRIBUTION.—The term  
13          ‘nonqualified distribution’ means a distribution from  
14          a natural disaster fund other than a qualified dis-  
15          tribution.

16          “(3) QUALIFIED ACCOUNT.—The term ‘quali-  
17          fied account’ means an account with a bank (as de-  
18          fined in section 581) or a brokerage account but  
19          only if the investments of such accounts are limited  
20          to those permitted by subsection (b)(3) and no in-  
21          vestments are made in a related person (as defined  
22          in section 465(b)(3)(C)) to the taxpayer.

23          “(4) QUALIFIED DISTRIBUTION.—

1           “(A) IN GENERAL.—The term ‘qualified  
2           distribution’ means with respect to natural dis-  
3           aster fund an amount equal to the excess of—

4                   “(i) costs, expenses, and losses (in-  
5                   cluding losses of a type reimbursable by  
6                   proceeds of business interruption insur-  
7                   ance) incurred by the taxpayer as a result  
8                   of the Federally declared natural disaster  
9                   with respect to the line or lines of business  
10                  for which the fund was designated, over

11                   “(ii) the proceeds of property and  
12                   business interruption insurance paid for  
13                   the benefit of the taxpayer with respect to  
14                   costs, expenses, and losses described in  
15                   clause (i).

16           “(B) LIMITATION.—A distribution from a  
17           natural disaster fund shall not be treated as a  
18           qualified distribution if such distribution is allo-  
19           cated to a Federally declared natural disaster  
20           occurring more than 3 years before the date of  
21           such distribution.

22           “(h) SPECIAL RULES.—For purposes of this sec-  
23           tion—

24                   “(1) NO DOUBLE COUNTING.—Any portion of  
25           any deductible or coinsurance taken into account

1 under subsection (b)(6) in determining the max-  
2 imum balance for a natural disaster fund shall not  
3 be taken into account in determining the maximum  
4 balance for another natural disaster fund.

5 “(2) EXCESS BALANCE.—

6 “(A) IN GENERAL.—If the balance of a  
7 natural disaster fund exceeds the maximum bal-  
8 ance permitted by subsection (b)(6) by reason  
9 of investment earnings or a reduction in the  
10 maximum balance, the account shall not cease  
11 to be a natural disaster fund as the result of  
12 exceeding such limit if the excess is distributed  
13 within 120 days of the date that such excess  
14 first occurred.

15 “(B) TREATMENT OF DISTRIBUTIONS OF  
16 EXCESS BALANCE.—In the case of any distribu-  
17 tion of the excess balance of a natural disaster  
18 fund within 120 days of the date that such ex-  
19 cess first occurred—

20 “(i) paragraphs (2) and (3) of sub-  
21 section (f) shall not apply to the distribu-  
22 tion of such excess if distributed within  
23 such period, and

24 “(ii) the amount of such distribution  
25 shall be included in the gross income of the

1 taxpayer in the year such distribution was  
2 made.

3 “(C) ANTI-ABUSE RULE.—Subparagraph  
4 (B) shall not apply in the case of any reduction  
5 in the maximum balance resulting from any ac-  
6 tion of the taxpayer the primary purpose of  
7 which was to reduce the maximum balance to  
8 enable a distribution that would not be subject  
9 to the maximum tax rate calculation or the ad-  
10 ditional tax.

11 “(3) CERTAIN ASSET ACQUISITIONS.—The  
12 transfer of a natural disaster fund (or the portion of  
13 a natural disaster fund) from one person to another  
14 person shall not constitute a nonqualified distribu-  
15 tion if—

16 “(A) such transfer is part of a trans-  
17 action—

18 “(i) to which section 381 applies,

19 “(ii) the transferee acquires substan-  
20 tially all of the assets of the transferor  
21 used in the line or lines of business for  
22 which the fund was designated,

23 “(iii) the transferee acquires substan-  
24 tially all of the assets of the transferor  
25 used in one, but not all, of the lines of

1 business for which the fund was des-  
2 ignated, or

3 “(iv) the transferee acquires substan-  
4 tially all of the transferor’s assets located  
5 in a geographical area and used in a line  
6 of business for which the fund was des-  
7 ignated, and

8 “(B) the transferee elects to treat the ac-  
9 quired natural disaster fund (or portion there-  
10 of) as a natural disaster fund for the line of  
11 business for which the transferor had previously  
12 designated the fund and as a continuation of  
13 the fund (or pro rata portion thereof) for pur-  
14 poses of determining the additional tax imposed  
15 by subsection (f)(4).

16 “(i) REGULATIONS.—The Secretary shall prescribe  
17 such regulations as may be necessary or appropriate to  
18 carry out the provisions of this section.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 for subpart C of part II of subchapter E of chapter 1 of  
21 the Internal Revenue Code of 1986 is amended by insert-  
22 ing after the item relating to section 468B the following  
23 new item:

“Sec. 468C. Special rules for natural disaster funds.”.

1 (c) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2014.

4 **SEC. 525. INCREASE PROPERTY REPLACEMENT PERIOD TO**  
5 **5 YEARS.**

6 (a) IN GENERAL.—Section 1033(a)(2) of the Internal  
7 Revenue Code of 1986 is amended by adding at the end  
8 the following:

9 “(F) FEDERALLY DECLARED DISASTER.—

10 “(i) IN GENERAL.—In the case of con-  
11 verted property that is located in the dis-  
12 aster area of a federally declared disaster  
13 occurring during a calendar year beginning  
14 after 2011 and that is damaged or de-  
15 stroyed by the federally declared disaster,  
16 subparagraph (B)(i) shall be applied by  
17 substituting ‘5 years’ for ‘2 years’.

18 “(ii) FEDERALLY DECLARED DIS-  
19 ASTER AND DISASTER AREA.—For pur-  
20 poses of clause (i), the terms ‘federally de-  
21 clared disaster’ and ‘disaster area’ have  
22 the meanings given such terms under sec-  
23 tion 165(i)(5).”.



1 (b) CONFORMING AMENDMENT.—Section  
2 1033(h)(1)(B) of the Internal Revenue Code of 1986 is  
3 amended by striking “4 years” and inserting “5 years”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to disasters declared after Decem-  
6 ber 31, 2015.

7 **SEC. 526. WAGE CREDIT FOR SPECIFIED DISASTER-DAM-**  
8 **AGED BUSINESSES.**

9 (a) IN GENERAL.—Subpart D of part IV of sub-  
10 chapter A of chapter 1 of the Internal Revenue Code of  
11 1986 is amended by adding at the end the following new  
12 section:

13 **“SEC. 45S. WAGE CREDIT FOR SPECIFIED DISASTER-DAM-**  
14 **AGED BUSINESSES.**

15 “(a) GENERAL RULE.—For purposes of section 38,  
16 in the case of an eligible employer, the specified disaster-  
17 damaged business wage credit for any taxable year is an  
18 amount equal to 40 percent of the qualified wages for such  
19 year.

20 “(b) QUALIFIED WAGES DEFINED.—For purposes of  
21 this section—

22 “(1) IN GENERAL.—The term ‘qualified wages’  
23 means, with respect to any covered employee, wages  
24 paid or incurred by the eligible employer to the em-  
25 ployee who is not able to work at the disaster-dam-

1       aged business of the employer during an inoper-  
2       ability period because of a federally declared dis-  
3       aster. Such term shall not include amounts paid or  
4       incurred for overtime compensation.

5           “(2) LIMITATIONS.—

6               “(A) LIMITATION ON WAGES TAKEN INTO  
7       ACCOUNT.—The amount of the qualified wages  
8       with respect to any individual which may be  
9       taken into account with respect to a federally  
10      declared disaster shall not exceed \$6,000.

11           “(B) INOPERABILITY PERIOD.—The inop-  
12      erability period with respect to a federally de-  
13      clared disaster is the period beginning with the  
14      first day the trade or business is rendered inop-  
15      erable due to damage from the federally de-  
16      clared disaster and ending on the earlier of—

17               “(i) the last day on which the trade or  
18              business is inoperable, or

19               “(ii) 16 weeks after the first day of  
20              such disaster.

21           “(c) DEFINITIONS.—For purposes of this section—

22               “(1) ELIGIBLE EMPLOYER.—

23               “(A) IN GENERAL.—The term ‘eligible em-  
24      ployer’ means, with respect to any taxable year,  
25      any employer which—

1 “(i) employed an average of less than  
2 200 employees on business days during  
3 such taxable year, and

4 “(ii) has a disaster-damaged business.

5 “(B) DISASTER-DAMAGED BUSINESS.—The  
6 term ‘disaster-damaged business’ means a place  
7 of business within a disaster area which is ren-  
8 dered inoperable due to damage from the feder-  
9 ally declared disaster.

10 “(C) CONTROLLED GROUPS.—For pur-  
11 poses of this section, all persons treated as a  
12 single employer under subsection (b), (c), (m),  
13 or (o) of section 414 shall be treated as a single  
14 employer.

15 “(2) COVERED EMPLOYEE.—The term ‘covered  
16 employee’ means, with respect to an eligible em-  
17 ployer, an individual—

18 “(A) whose principal place of employment  
19 is in a disaster area with respect to a federally  
20 declared disaster, and

21 “(B) who has been employed by the em-  
22 ployer for more than 30 days before the first  
23 day of the federally declared disaster.

24 “(3) FEDERALLY DECLARED DISASTER AND  
25 DISASTER AREA.—For purposes of clause (i), the

1 terms ‘federally declared disaster’ and ‘disaster area’  
2 have the meanings given such terms under section  
3 165(i)(5).”.

4 (b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—  
5 Section 38(b) of the Internal Revenue Code of 1986 is  
6 amended by striking “plus” at the end of paragraph (35),  
7 by striking the period at the end of paragraph (36) and  
8 inserting “, plus”, and by adding at the end the following:  
9 “(37) the specified disaster-damaged business  
10 wage credit determined under section 45S(a).”.

11 (c) DENIAL OF DOUBLE BENEFIT.—Subsection (a)  
12 of section 280C of the Internal Revenue Code of 1986 is  
13 amended by inserting “45S(a),” after “45P(a)”.

14 (d) CLERICAL AMENDMENT.—The table of contents  
15 for subpart D of part IV of subchapter A of chapter 1  
16 of the Internal Revenue Code of 1986 is amended by add-  
17 ing at the end the following new item:

“Sec. 45S. Wage credit for specified disaster-damaged businesses.”.

18 (e) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply to taxable years beginning after  
20 December 31, 2015.

21 **SEC. 527. DISASTER-RELATED MEDICAL EXPENSES.**

22 (a) IN GENERAL.—Section 213 of the Internal Rev-  
23 enue Code of 1986 is amended by adding at the end the  
24 following new subsection:

25 “(g) DISASTER-RELATED MEDICAL EXPENSES.—

1           “(1) IN GENERAL.—In the case of expenses di-  
2       rectly related to an injury caused by a federally de-  
3       clared disaster occurring during the taxable year or  
4       the preceding taxable year, there shall be allowed a  
5       separate deduction under this section, which shall be  
6       determined under this section (without regard to  
7       this subsection), except that—

8           “(A) subsection (a) shall be applied by  
9       substituting ‘zero percent’ for ‘10 percent’, and

10          “(B) subsection (f) shall be applied by sub-  
11       stituting ‘zero percent’ for ‘7.5 percent’.

12          “(2) COORDINATION.—Any expense taken into  
13       account under paragraph (1) shall not be treated as  
14       an expense taken into account under this section  
15       (without regard to this section).

16          “(3) FEDERALLY DECLARED DISASTER.—For  
17       purposes of this subsection, the term ‘federally de-  
18       clared disaster’ shall have the meaning given such  
19       term under section 165(i)(5).”.

20       (b) EFFECTIVE DATE.—The amendment made by  
21       subsection (a) shall apply with respect to disasters occur-  
22       ring after the date of the enactment of this Act.

23       **SEC. 528. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

24       (a) IN GENERAL.—Section 198A(b)(2)(A)(ii) of the  
25       Internal Revenue Code of 1986, as added by section 101

1 of this Act, is amended by striking “and before January  
2 1, 2016,”.

3 (b) EFFECTIVE DATE.—The amendment made by  
4 this section shall apply to amounts paid or incurred after  
5 December 31, 2015.

6 **SEC. 529. LOSSES ATTRIBUTABLE TO DISASTERS.**

7 (a) IN GENERAL.—Section 165(h)(3)(B)(i)(I) of the  
8 Internal Revenue Code of 1986, as amended by section  
9 103 of this Act, is amended by striking “the period begin-  
10 ning after December 31, 2011, and before January 1,  
11 2016,” and inserting “any period beginning after Decem-  
12 ber 31, 2011,”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 this section shall apply to disasters declared in taxable  
15 years beginning after December 31, 2015.

16 **SEC. 530. NET OPERATING LOSSES ATTRIBUTABLE TO DIS-**  
17 **ASTERS.**

18 (a) IN GENERAL.—Section 172(i)(1)(A)(i)(I) of the  
19 Internal Revenue Code of 1986 is amended by striking  
20 “and before January 1, 2016,”.

21 (b) EFFECTIVE DATE.—The amendment made by  
22 this section shall apply to disasters declared in taxable  
23 years beginning after December 31, 2015.

1   **SEC. 531. SPECIAL RULES FOR USE OF RETIREMENT FUNDS**  
2                           **IN CONNECTION WITH FEDERALLY DE-**  
3                           **CLARED DISASTERS.**

4           (a) **WITHDRAWALS.**—Section 72(t)(11)(A) of the In-  
5   ternal Revenue Code of 1986, as amended by section 108  
6   of this Act, is amended by striking “2011 and before Jan-  
7   uary 1, 2016,” and inserting “2011,”.

8           (b) **LOANS.**—Section 72(p)(6)(C)(ii) of such Code is  
9   amended by striking “and ending on December 31, 2016”.

10          (c) **EFFECTIVE DATE.**—The amendments made by  
11   this section shall apply to distributions with respect to dis-  
12   aster declared after December 31, 2015.

13   **SEC. 532. ADDITIONAL EXEMPTION FOR HOUSING QUALI-**  
14                           **FIED DISASTER DISPLACED INDIVIDUALS.**

15          (a) **IN GENERAL.**—Section 151(f)(3)(B)(i) of the In-  
16   ternal Revenue Code of 1986, as amended by section 109  
17   of this Act, is amended by striking “and before 2016”.

18          (b) **EFFECTIVE DATE.**—The amendment made by  
19   this section shall apply to taxable years beginning after  
20   December 31, 2015.

21   **SEC. 533. EXCLUSIONS OF CERTAIN CANCELLATIONS OF IN-**  
22                           **DEBTEDNESS BY REASON OF DISASTERS.**

23          (a) **IN GENERAL.**—Section 108(j)(3) of the Internal  
24   Revenue Code of 1986, as amended by section 110 of this  
25   Act, is amended by striking “and before 2016”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to discharges made on or after De-  
3 cember 31, 2015.

4 **SEC. 534. SPECIAL RULE FOR DETERMINING EARNED IN-**  
5 **COME OF INDIVIDUALS AFFECTED BY FEDER-**  
6 **ALLY DECLARED DISASTERS.**

7 (a) IN GENERAL.—Section 32(n)(2) of the Internal  
8 Revenue Code of 1986, as amended by section 111 of this  
9 Act, is amended by striking “and before 2016”.

10 (b) EFFECTIVE DATE.—The amendment made by  
11 this section shall apply to taxable years beginning after  
12 December 31, 2015.

13 **SEC. 535. QUALIFIED DISASTER AREA RECOVERY BONDS.**

14 (a) IN GENERAL.—Section 146A(b)(4) of the Inter-  
15 nal Revenue Code of 1986, as amended by section 114  
16 of this Act, is further amended by striking “and before  
17 January 1, 2017”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 this section shall apply to obligations issued after Decem-  
20 ber 31, 2015.

21 **SEC. 536. ADDITIONAL LOW-INCOME HOUSING CREDIT AL-**  
22 **LOCATIONS.**

23 (a) IN GENERAL.—Section 42(h)(3)(J) of the Inter-  
24 nal Revenue Code of 1986, as amended by section 115  
25 of this Act, is amended—



1           (1) in clause (i) by striking “In the case of cal-  
2       endar year 2016,” and inserting “In the case of a  
3       calendar year beginning after 2015,”,

4           (2) in clause (ii)(II) by striking “2015” and in-  
5       serting “the preceding calendar year”, and

6           (3) in clause (iii) by striking “substituting ‘Jan-  
7       uary 1 of the calendar year in which the taxable  
8       year ends’ for ‘January 1, 2015’ ”.

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

