

**AMENDMENT TO SENATE AMENDMENT TO HOUSE
AMENDMENT TO SENATE AMENDMENT TO
H.R. 4853
OFFERED BY MR. WEINER OF NEW YORK**

In lieu of the matter proposed to be inserted, insert the following:

1 SECTION 1. SHORT TITLE; ETC.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Tax Relief, Unemployment Insurance Reauthorization,
4 and Job Creation Act of 2010”.

5 (b) AMENDMENT OF 1986 CODE.—Except as other-
6 wise expressly provided, whenever in this Act an amend-
7 ment or repeal is expressed in terms of an amendment
8 to, or repeal of, a section or other provision, the reference
9 shall be considered to be made to a section or other provi-
10 sion of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 103. Temporary extension of 2009 tax relief.

TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE III—RESPONSIBLE ESTATE TAX REFORM

Sec. 301. Short title.

Sec. 302. Reinstatement of estate tax; repeal of carryover basis.

Sec. 303. Modifications to estate, gift, and generation-skipping transfer taxes.

Sec. 304. Application of EGTRRA sunset to this title.

TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES

Sec. 401. Extension of bonus depreciation; temporary 100 percent expensing for certain business assets.

Sec. 402. Temporary extension of increased small business expensing.

TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS

Sec. 501. Temporary extension of unemployment insurance provisions.

Sec. 502. Temporary modification of indicators under the extended benefit program.

Sec. 503. Technical amendment relating to collection of unemployment compensation debts.

Sec. 504. Technical correction relating to repeal of continued dumping and subsidy offset.

Sec. 505. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE VI—EXTENSION OF MAKING WORK PAY CREDIT

Sec. 601. Making work pay credit.

TITLE VII—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Energy

Sec. 701. Incentives for biodiesel and renewable diesel.

Sec. 702. Credit for refined coal facilities.

Sec. 703. New energy efficient home credit.

Sec. 704. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.

Sec. 705. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.

Sec. 706. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

Sec. 707. Extension of grants for specified energy property in lieu of tax credits.

Sec. 708. Extension of provisions related to alcohol used as fuel.

Sec. 709. Energy efficient appliance credit.

Sec. 710. Credit for nonbusiness energy property.

Sec. 711. Alternative fuel vehicle refueling property.

Subtitle B—Individual Tax Relief

- Sec. 721. Deduction for certain expenses of elementary and secondary school teachers.
- Sec. 722. Deduction of State and local sales taxes.
- Sec. 723. Contributions of capital gain real property made for conservation purposes.
- Sec. 724. Above-the-line deduction for qualified tuition and related expenses.
- Sec. 725. Tax-free distributions from individual retirement plans for charitable purposes.
- Sec. 726. Look-thru of certain regulated investment company stock in determining gross estate of nonresidents.
- Sec. 727. Parity for exclusion from income for employer-provided mass transit and parking benefits.
- Sec. 728. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Subtitle C—Business Tax Relief

- Sec. 731. Research credit.
- Sec. 732. Indian employment tax credit.
- Sec. 733. New markets tax credit.
- Sec. 734. Railroad track maintenance credit.
- Sec. 735. Mine rescue team training credit.
- Sec. 736. Employer wage credit for employees who are active duty members of the uniformed services.
- Sec. 737. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
- Sec. 738. 7-year recovery period for motorsports entertainment complexes.
- Sec. 739. Accelerated depreciation for business property on an Indian reservation.
- Sec. 740. Enhanced charitable deduction for contributions of food inventory.
- Sec. 741. Enhanced charitable deduction for contributions of book inventories to public schools.
- Sec. 742. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
- Sec. 743. Election to expense mine safety equipment.
- Sec. 744. Special expensing rules for certain film and television productions.
- Sec. 745. Expensing of environmental remediation costs.
- Sec. 746. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 747. Modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 748. Treatment of certain dividends of regulated investment companies.
- Sec. 749. RIC qualified investment entity treatment under FIRPTA.
- Sec. 750. Exceptions for active financing income.
- Sec. 751. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 752. Basis adjustment to stock of S corps making charitable contributions of property.
- Sec. 753. Empowerment zone tax incentives.
- Sec. 754. Tax incentives for investment in the District of Columbia.
- Sec. 755. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 756. American Samoa economic development credit.
- Sec. 757. Work opportunity credit.

- Sec. 758. Qualified zone academy bonds.
- Sec. 759. Mortgage insurance premiums.
- Sec. 760. Temporary exclusion of 100 percent of gain on certain small business stock.

Subtitle D—Temporary Disaster Relief Provisions

PART D—TEMPORARY DISASTER RELIEF PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

- Sec. 761. Tax-exempt bond financing.

SUBPART B—GO ZONE

- Sec. 762. Increase in rehabilitation credit.
- Sec. 763. Low-income housing credit rules for buildings in GO zones.
- Sec. 764. Tax-exempt bond financing.
- Sec. 765. Bonus depreciation deduction applicable to the GO Zone.

TITLE VIII—SENIOR CITIZENS RELIEF

- Sec. 801. Short title.
- Sec. 802. Extension and modification of certain economic recovery payments.

TITLE IX—INFRASTRUCTURE, ENERGY, AND WATER PROVISIONS

Subtitle A—TIGER Discretionary Grants

- Sec. 901. TIGER discretionary grants.

Subtitle B—National Infrastructure Bank

- Sec. 911. Findings.
- Sec. 912. Definitions.
- Sec. 913. Establishment of national infrastructure development bank.
- Sec. 914. Board of directors.
- Sec. 915. Executive committee.
- Sec. 916. Risk management committee.
- Sec. 917. Audit Committee.
- Sec. 918. Personnel.
- Sec. 919. Eligibility criteria for assistance from Bank.
- Sec. 920. Exemption from local taxation.
- Sec. 921. Status and applicability of certain Federal laws; full faith and credit.
- Sec. 922. Compliance with Davis-Bacon Act.
- Sec. 923. Applicability of certain State laws.
- Sec. 924. Audits; reports to President and Congress.
- Sec. 925. Capitalization of bank.
- Sec. 926. Sunset.

Subtitle C—Energy and Water Programs

- Sec. 931. Energy Efficiency and Conservation Block Grant Program.
- Sec. 932. State water pollution control revolving funds.
- Sec. 933. State drinking water revolving loan funds.
- Sec. 934. State energy conservation plans.
- Sec. 935. Temporary program for rapid deployment of renewable energy and electric power transmission projects.

- Sec. 936. Extension of qualifying advanced energy project credit.
- Sec. 937. Land and Water Conservation Fund.
- Sec. 938. Flood control projects.

Subtitle D—Housing Programs

- Sec. 941. National Housing Trust Fund.
- Sec. 942. Green retrofit program.

TITLE X—BUDGETARY PROVISIONS

- Sec. 1001. Determination of budgetary effects.
- Sec. 1002. Emergency designations.

1 **TITLE I—TEMPORARY**
2 **EXTENSION OF TAX RELIEF**
3 **SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.**

4 (a) TEMPORARY EXTENSION.—

5 (1) IN GENERAL.—Section 901 of the Economic
6 Growth and Tax Relief Reconciliation Act of 2001 is
7 amended by striking “December 31, 2010” both
8 places it appears and inserting “December 31,
9 2012”.

10 (2) EFFECTIVE DATE.—The amendment made
11 by this subsection shall take effect as if included in
12 the enactment of the Economic Growth and Tax Re-
13 lief Reconciliation Act of 2001.

14 (b) APPLICATION TO TAXPAYERS WITH INCOME OF
15 \$250,000 OR MORE.—

16 (1) INCOME TAX RATES.—

17 (A) 25- AND 28- PERCENT RATE BRACKETS
18 MADE PERMANENT.—Paragraph (2) of section
19 1(i) is amended to read as follows:

1 “(2) 25- AND 28- PERCENT RATE BRACKETS.—
2 The tables under subsections (a), (b), (c), (d), and
3 (e) shall be applied—

4 “(A) by substituting ‘25%’ for ‘28%’ each
5 place it appears (before the application of sub-
6 paragraph (B)), and

7 “(B) by substituting ‘28%’ for ‘31%’ each
8 place it appears.”.

9 (B) 33-PERCENT RATE BRACKET.—Sub-
10 section (i) of section 1 is amended by redesignig-
11 nating paragraph (3) as paragraph (4) and by
12 inserting after paragraph (2) the following new
13 paragraph:

14 “(3) 33-PERCENT RATE BRACKET.—

15 “(A) IN GENERAL.—In the case of taxable
16 years beginning after December 31, 2010—

17 “(i) the rate of tax under subsections
18 (a), (b), (c), and (d) on a taxpayer’s tax-
19 able income in the fourth rate bracket shall
20 be 33 percent to the extent such income
21 does not exceed an amount equal to the ex-
22 cess of—

23 “(I) the applicable amount, over

24 “(II) the dollar amount at which
25 such bracket begins, and

1 “(ii) the 36 percent rate of tax under
2 such subsections shall apply only to the
3 taxpayer’s taxable income in such bracket
4 in excess of the amount to which clause (i)
5 applies.

6 “(B) APPLICABLE AMOUNT.—For purposes
7 of this paragraph, the term ‘applicable amount’
8 means the excess of—

9 “(i) the applicable threshold, over

10 “(ii) the sum of the following amounts
11 in effect for the taxable year:

12 “(I) the basic standard deduction
13 (within the meaning of section
14 63(c)(2)), and

15 “(II) the exemption amount
16 (within the meaning of section
17 151(d)(1) (or, in the case of sub-
18 section (a), 2 such exemption
19 amounts).

20 “(C) APPLICABLE THRESHOLD.—For pur-
21 poses of this paragraph, the term ‘applicable
22 threshold’ means—

23 “(i) \$250,000 in the case of sub-
24 section (a),

1 “(ii) \$200,000 in the case of sub-
2 sections (b) and (c), and

3 “(iii) 1/2 the amount applicable under
4 clause (i) (after adjustment, if any, under
5 subparagraph (E)) in the case of sub-
6 section (d).

7 “(D) FOURTH RATE BRACKET.—For pur-
8 poses of this paragraph, the term ‘fourth rate
9 bracket’ means the bracket which would (deter-
10 mined without regard to this paragraph) be the
11 36-percent rate bracket.

12 “(E) INFLATION ADJUSTMENT.—For pur-
13 poses of this paragraph, a rule similar to the
14 rule of paragraph (1)(C) shall apply with re-
15 spect to taxable years beginning in calendar
16 years after 2010, applied by substituting ‘2008’
17 for ‘1992’ in subsection (f)(3)(B).”.

18 (2) PHASEOUT OF PERSONAL EXEMPTIONS AND
19 ITEMIZED DEDUCTIONS.—

20 (A) OVERALL LIMITATION ON ITEMIZED
21 DEDUCTIONS.—Section 68 is amended—

22 (i) by striking “the applicable
23 amount” the first place it appears in sub-
24 section (a) and inserting “the applicable
25 threshold in effect under section 1(i)(3)”,

1 (ii) by striking “the applicable
2 amount” in subsection (a)(1) and inserting
3 “such applicable threshold”,

4 (iii) by striking subsection (b) and re-
5 designating subsections (c), (d), and (e) as
6 subsections (b), (c), and (d), respectively,
7 and

8 (iv) by striking subsections (f) and
9 (g).

10 (B) PHASEOUT OF DEDUCTIONS FOR PER-
11 SONAL EXEMPTIONS.—

12 (i) IN GENERAL.—Paragraph (3) of
13 section 151(d) is amended—

14 (I) by striking “the threshold
15 amount” in subparagraphs (A) and
16 (B) and inserting “the applicable
17 threshold in effect under section
18 1(i)(3)”,

19 (II) by striking subparagraph (C)
20 and redesignating subparagraph (D)
21 as subparagraph (C), and

22 (III) by striking subparagraphs
23 (E) and (F).

1 (ii) CONFORMING AMENDMENTS.—
2 Paragraph (4) of section 151(d) is amend-
3 ed—

4 (I) by striking subparagraph (B),
5 (II) by redesignating clauses (i)
6 and (ii) of subparagraph (A) as sub-
7 paragraphs (A) and (B), respectively,
8 and by indenting such subparagraphs
9 (as so redesignated) accordingly, and
10 (III) by striking all that precedes
11 “in a calendar year after 1989,” and
12 inserting the following:

13 “(4) INFLATION ADJUSTMENT.—In the case of
14 any taxable year beginning”.

15 (c) EFFECTIVE DATE.—Except as otherwise pro-
16 vided, the amendments made by this section shall apply
17 to taxable years beginning after December 31, 2010.

18 **SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.**

19 (a) EXTENSION.—

20 (1) IN GENERAL.—Section 303 of the Jobs and
21 Growth Tax Relief Reconciliation Act of 2003 is
22 amended by striking “December 31, 2010” and in-
23 serting “December 31, 2012”.

24 (2) EFFECTIVE DATE.—The amendment made
25 by this subsection shall take effect as if included in

1 the enactment of the Jobs and Growth Tax Relief
2 Reconciliation Act of 2003.

3 (b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN
4 HIGH INCOME INDIVIDUALS.—

5 (1) IN GENERAL.—Paragraph (1) of section
6 1(h) is amended by striking subparagraph (C), by
7 redesignating subparagraphs (D) and (E) as sub-
8 paragraphs (E) and (F) and by inserting after sub-
9 paragraph (B) the following new subparagraphs:

10 “(C) 15 percent of the lesser of—

11 “(i) so much of the adjusted net cap-
12 ital gain (or, if less, taxable income) as ex-
13 ceeds the amount on which a tax is deter-
14 mined under subparagraph (B), or

15 “(ii) the excess (if any) of—

16 “(I) the amount of taxable in-
17 come which would (without regard to
18 this paragraph) be taxed at a rate
19 below 39.6 percent, over

20 “(II) the sum of the amounts on
21 which a tax is determined under sub-
22 paragraphs (A) and (B),

23 “(D) 20 percent of the adjusted net capital
24 gain (or, if less, taxable income) in excess of the

1 sum of the amounts on which tax is determined
2 under subparagraphs (B) and (C),”.

3 (2) MINIMUM TAX.—Paragraph (3) of section
4 55(b) is amended by striking subparagraph (C), by
5 redesignating subparagraph (D) as subparagraph
6 (E), and by inserting after subparagraph (B) the
7 following new subparagraphs:

8 “(C) 15 percent of the lesser of—

9 “(i) so much of the adjusted net cap-
10 ital gain (or, if less, taxable excess) as ex-
11 ceeds the amount on which tax is deter-
12 mined under subparagraph (B), or

13 “(ii) the excess described in section
14 1(h)(1)(C)(ii), plus

15 “(D) 20 percent of the adjusted net capital
16 gain (or, if less, taxable excess) in excess of the
17 sum of the amounts on which tax is determined
18 under subparagraphs (B) and (C), plus”.

19 (c) CONFORMING AMENDMENTS.—

20 (1) The following provisions are each amended
21 by striking “15 percent” and inserting “20 per-
22 cent”:

23 (A) Section 531.

24 (B) Section 541.

25 (C) Section 1445(e)(1).

1 (D) The second sentence of section
2 7518(g)(6)(A).

3 (E) Section 53511(f)(2) of title 46, United
4 States Code.

5 (2) Sections 1(h)(1)(B) and 55(b)(3)(B) are
6 each amended by striking “5 percent (0 percent in
7 the case of taxable years beginning after 2007)” and
8 inserting “0 percent”.

9 (3) Section 1445(e)(6) is amended by striking
10 “15 percent (20 percent in the case of taxable years
11 beginning after December 31, 2010)” and inserting
12 “20 percent”.

13 (d) EFFECTIVE DATES.—

14 (1) IN GENERAL.—Except as provided in other-
15 wise provided, the amendments made by subsections
16 (b) and (c) shall apply to taxable years beginning
17 after December 31, 2010.

18 (2) WITHHOLDING.—The amendments made by
19 paragraphs (1)(C) and (3) of subsection (c) shall
20 apply to amounts paid on or after January 1, 2011.

21 **SEC. 103. TEMPORARY EXTENSION OF 2009 TAX RELIEF.**

22 (a) AMERICAN OPPORTUNITY TAX CREDIT.—

23 (1) IN GENERAL.—Section 25A(i) is amended
24 by striking “or 2010” and inserting “, 2010, 2011,
25 or 2012”.

1 (2) TREATMENT OF POSSESSIONS.—Section
2 1004(c)(1) of the American Recovery and Reinvest-
3 ment Tax Act of 2009 is amended by striking “and
4 2010” each place it appears and inserting “, 2010,
5 2011, and 2012”.

6 (b) CHILD TAX CREDIT.—Section 24(d)(4) is amend-
7 ed—

8 (1) by striking “2009 AND 2010” in the head-
9 ing and inserting “2009, 2010, 2011, AND 2012”,
10 and

11 (2) by striking “or 2010” and inserting “,
12 2010, 2011, or 2012”.

13 (c) EARNED INCOME TAX CREDIT.—Section 32(b)(3)
14 is amended—

15 (1) by striking “2009 AND 2010” in the head-
16 ing and inserting “2009, 2010, 2011, AND 2012”,
17 and

18 (2) by striking “or 2010” and inserting “,
19 2010, 2011, or 2012”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2010.

1 **TITLE II—TEMPORARY EXTEN-**
2 **SION OF INDIVIDUAL AMT RE-**
3 **LIEF**

4 **SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTER-**
5 **NATIVE MINIMUM TAX EXEMPTION AMOUNT.**

6 (a) **IN GENERAL.**—Paragraph (1) of section 55(d) is
7 amended—

8 (1) by striking “\$70,950” and all that follows
9 through “2009” in subparagraph (A) and inserting
10 “\$72,450 in the case of taxable years beginning in
11 2010 and \$74,450 in the case of taxable years be-
12 ginning in 2011”, and

13 (2) by striking “\$46,700” and all that follows
14 through “2009” in subparagraph (B) and inserting
15 “\$47,450 in the case of taxable years beginning in
16 2010 and \$48,450 in the case of taxable years be-
17 ginning in 2011”.

18 (b) **EFFECTIVE DATE.**—The amendments made by
19 this section shall apply to taxable years beginning after
20 December 31, 2009.

21 (c) **REPEAL OF EGTRRA SUNSET.**—Title IX of the
22 Economic Growth and Tax Relief Reconciliation Act of
23 2001 (relating to sunset of provisions of such Act) shall
24 not apply to title VII of such Act (relating to alternative
25 minimum tax).

1 **SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MIN-**
2 **IMUM TAX RELIEF FOR NONREFUNDABLE**
3 **PERSONAL CREDITS.**

4 (a) IN GENERAL.—Paragraph (2) of section 26(a) is
5 amended—

6 (1) by striking “or 2009” and inserting “2009,
7 2010, or 2011”, and

8 (2) by striking “2009” in the heading thereof
9 and inserting “2011”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to taxable years beginning after
12 December 31, 2009.

13 **TITLE III—RESPONSIBLE**
14 **ESTATE TAX REFORM**

15 **SEC. 301. SHORT TITLE.**

16 This title may be cited as the “Responsible Estate
17 Tax Act”.

18 **SEC. 302. REINSTATEMENT OF ESTATE TAX; REPEAL OF**
19 **CARRYOVER BASIS.**

20 (a) IN GENERAL.—Each provision of law amended by
21 subtitle A or E of title V of the Economic Growth and
22 Tax Relief Reconciliation Act of 2001 is amended to read
23 as such provision would read if such subtitle had never
24 been enacted.

25 (b) CONFORMING AMENDMENT.—On and after Janu-
26 ary 1, 2011, paragraph (1) of section 2505(a) of the Inter-

1 nal Revenue Code of 1986 is amended to read as such
2 paragraph would read if section 521(b)(2) of the Eco-
3 nomic Growth and Tax Relief Reconciliation Act of 2001
4 had never been enacted.

5 (c) SPECIAL ELECTION WITH RESPECT TO ESTATES
6 OF DECEDENTS DYING IN 2010.—Notwithstanding sub-
7 section (a), in the case of an estate of a decedent dying
8 after December 31, 2009, and before January 1, 2011,
9 the executor (within the meaning of section 2203 of the
10 Internal Revenue Code of 1986) may elect to apply such
11 Code as though the amendments made by subsection (a)
12 do not apply with respect to chapter 11 of such Code and
13 with respect to property acquired or passing from such
14 decedent (within the meaning of section 1014(b) of such
15 Code). Such election shall be made at such time and in
16 such manner as the Secretary of the Treasury or the Sec-
17 retary's delegate shall provide. Such an election once made
18 shall be revocable only with the consent of the Secretary
19 of the Treasury or the Secretary's delegate. For purposes
20 of section 2652(a)(1) of such Code, the determination of
21 whether any property is subject to the tax imposed by such
22 chapter 11 shall be made without regard to any election
23 made under this subsection.

24 (d) EXTENSION OF TIME FOR PERFORMING CERTAIN
25 ACTS.—

1 (1) ESTATE TAX.—In the case of the estate of
2 a decedent dying after December 31, 2009, and be-
3 fore the date of the enactment of this Act, the due
4 date for—

5 (A) filing any return under section 6018 of
6 the Internal Revenue Code of 1986 (including
7 any election required to be made on such a re-
8 turn) as such section is in effect after the date
9 of the enactment of this Act without regard to
10 any election under subsection (c),

11 (B) making any payment of tax under
12 chapter 11 of such Code, and

13 (C) making any disclaimer described in
14 section 2518(b) of such Code of an interest in
15 property passing by reason of the death of such
16 decedent,

17 shall not be earlier than the date which is 9 months
18 after the date of the enactment of this Act.

19 (2) GENERATION-SKIPPING TAX.—In the case
20 of any generation-skipping transfer made after De-
21 cember 31, 2009, and before the date of the enact-
22 ment of this Act, the due date for filing any return
23 under section 2662 of the Internal Revenue Code of
24 1986 (including any election required to be made on
25 such a return) shall not be earlier than the date

1 which is 9 months after the date of the enactment
2 of this Act.

3 (e) EFFECTIVE DATE.—Except as otherwise provided
4 in this section, the amendments made by this section shall
5 apply to estates of decedents dying, and transfers made,
6 after December 31, 2009.

7 **SEC. 303. MODIFICATIONS TO ESTATE, GIFT, AND GENERA-**
8 **TION-SKIPPING TRANSFER TAXES.**

9 (a) MODIFICATIONS TO ESTATE TAX.—

10 (1) \$3,500,000 APPLICABLE EXCLUSION
11 AMOUNT.—Subsection (c) of section 2010 is amend-
12 ed to read as follows:

13 “(c) APPLICABLE CREDIT AMOUNT.—

14 “(1) IN GENERAL.—For purposes of this sec-
15 tion, the applicable credit amount is the amount of
16 the tentative tax which would be determined under
17 section 2001(c) if the amount with respect to which
18 such tentative tax is to be computed were equal to
19 the applicable exclusion amount.

20 “(2) APPLICABLE EXCLUSION AMOUNT.—For
21 purposes of this subsection, the applicable exclusion
22 amount is \$3,500,000.”.

23 (2) MAXIMUM ESTATE TAX RATE EQUAL TO 45
24 PERCENT.—Subsection (c) of section 2001 is amend-
25 ed—

1 (A) by striking “Over \$1,500,000” and all
2 that follows in the table contained in paragraph
3 (1) and inserting the following:

“Over \$1,500,000 \$555,800, plus 35 percent of the ex-
cess of such amount over
\$1,500,000.”,

4 (B) by striking “(1) IN GENERAL.—”, and
5 (C) by striking paragraph (2).

6 (b) MODIFICATIONS TO GIFT TAX.—

7 (1) RESTORATION OF UNIFIED CREDIT AGAINST
8 GIFT TAX.—

9 (A) IN GENERAL.—Paragraph (1) of sec-
10 tion 2505(a), after the application of section
11 301(b), is amended by striking “(determined as
12 if the applicable exclusion amount were
13 \$1,000,000)”.

14 (B) EFFECTIVE DATE.—The amendment
15 made by this paragraph shall apply to gifts
16 made after December 31, 2010.

17 (2) MODIFICATION OF GIFT TAX RATE.—On
18 and after January 1, 2011, subsection (a) of section
19 2502 is amended to read as such subsection would
20 read if section 511(d) of the Economic Growth and
21 Tax Relief Reconciliation Act of 2001 had never
22 been enacted.

1 (c) MODIFICATION OF GENERATION-SKIPPING
2 TRANSFER TAX.—In the case of any generation-skipping
3 transfer made after December 31, 2009, and before Janu-
4 ary 1, 2011, the applicable rate determined under section
5 2641(a) of the Internal Revenue Code of 1986 shall be
6 zero.

7 (d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO
8 REFLECT DIFFERENCES IN CREDIT RESULTING FROM
9 DIFFERENT TAX RATES.—

10 (1) ESTATE TAX.—

11 (A) IN GENERAL.—Section 2001(b)(2) is
12 amended by striking “if the provisions of sub-
13 section (c) (as in effect at the decedent’s
14 death)” and inserting “if the modifications de-
15 scribed in subsection (g)”.

16 (B) MODIFICATIONS.—Section 2001 is
17 amended by adding at the end the following
18 new subsection:

19 “(g) MODIFICATIONS TO GIFT TAX PAYABLE TO RE-
20 FLECT DIFFERENT TAX RATES.—For purposes of apply-
21 ing subsection (b)(2) with respect to 1 or more gifts, the
22 rates of tax under subsection (c) in effect at the decedent’s
23 death shall, in lieu of the rates of tax in effect at the time
24 of such gifts, be used both to compute—

1 “(1) the tax imposed by chapter 12 with respect
2 to such gifts, and

3 “(2) the credit allowed against such tax under
4 section 2505, including in computing—

5 “(A) the applicable credit amount under
6 section 2505(a)(1), and

7 “(B) the sum of the amounts allowed as a
8 credit for all preceding periods under section
9 2505(a)(2).”.

10 (2) GIFT TAX.—Section 2505(a) is amended by
11 adding at the end the following new flush sentence:
12 “For purposes of applying paragraph (2) for any calendar
13 year, the rates of tax in effect under section 2502(a)(2)
14 for such calendar year shall, in lieu of the rates of tax
15 in effect for preceding calendar periods, be used in deter-
16 mining the amounts allowable as a credit under this sec-
17 tion for all preceding calendar periods.”.

18 (e) CONFORMING AMENDMENT.—Section 2511 is
19 amended by striking subsection (e).

20 (f) EFFECTIVE DATE.—Except as otherwise provided
21 in this subsection, the amendments made by this section
22 shall apply to estates of decedents dying, generation-skip-
23 ping transfers, and gifts made, after December 31, 2009.

1 **SEC. 304. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.**

2 Section 901 of the Economic Growth and Tax Relief
3 Reconciliation Act of 2001 shall apply to the amendments
4 made by this title.

5 **TITLE IV—TEMPORARY EXTEN-**
6 **SION OF INVESTMENT INCEN-**
7 **TIVES**

8 **SEC. 401. EXTENSION OF BONUS DEPRECIATION; TEM-**
9 **PORARY 100 PERCENT EXPENSING FOR CER-**
10 **TAIN BUSINESS ASSETS.**

11 (a) IN GENERAL.—Paragraph (2) of section 168(k)
12 is amended—

13 (1) by striking “January 1, 2012” in subpara-
14 graph (A)(iv) and inserting “January 1, 2014”, and

15 (2) by striking “January 1, 2011” each place
16 it appears and inserting “January 1, 2013”.

17 (b) TEMPORARY 100 PERCENT EXPENSING.—Sub-
18 section (k) of section 168 is amended by adding at the
19 end the following new paragraph:

20 “(5) SPECIAL RULE FOR PROPERTY ACQUIRED
21 DURING CERTAIN PRE-2012 PERIODS.—In the case of
22 qualified property acquired by the taxpayer (under
23 rules similar to the rules of clauses (ii) and (iii) of
24 paragraph (2)(A)) after September 8, 2010, and be-
25 fore January 1, 2012, and which is placed in service
26 by the taxpayer before January 1, 2012 (January 1,

1 2013, in the case of property described in subpara-
2 graph (2)(B) or (2)(C)), paragraph (1)(A) shall be
3 applied by substituting ‘100 percent’ for ‘50 per-
4 cent’.”.

5 (c) EXTENSION OF ELECTION TO ACCELERATE THE
6 AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

7 (1) EXTENSION.—Clause (iii) of section
8 168(k)(4)(D) is amended by striking “or produc-
9 tion” and all that follows and inserting “or produc-
10 tion—

11 “(I) after March 31, 2008, and
12 before January 1, 2010, and

13 “(II) after December 31, 2010,
14 and before January 1, 2013,

15 shall be taken into account under subpara-
16 graph (B)(ii) thereof.”.

17 (2) RULES FOR ROUND 2 EXTENSION PROP-
18 erty.—Paragraph (4) of section 168(k) is amended
19 by adding at the end the following new subpara-
20 graph:

21 “(I) SPECIAL RULES FOR ROUND 2 EXTEN-
22 sion PROPERTY.—

23 “(i) IN GENERAL.—In the case of
24 round 2 extension property, this paragraph
25 shall be applied without regard to—

1 “(I) the limitation described in
2 subparagraph (B)(i) thereof, and

3 “(II) the business credit increase
4 amount under subparagraph (E)(iii)
5 thereof.

6 “(ii) TAXPAYERS PREVIOUSLY ELECT-
7 ING ACCELERATION.—In the case of a tax-
8 payer who made the election under sub-
9 paragraph (A) for its first taxable year
10 ending after March 31, 2008, or a tax-
11 payer who made the election under sub-
12 paragraph (H)(ii) for its first taxable year
13 ending after December 31, 2008—

14 “(I) the taxpayer may elect not
15 to have this paragraph apply to round
16 2 extension property, but

17 “(II) if the taxpayer does not
18 make the election under subclause (I),
19 in applying this paragraph to the tax-
20 payer the bonus depreciation amount,
21 maximum amount, and maximum in-
22 crease amount shall be computed and
23 applied to eligible qualified property
24 which is round 2 extension property.

1 The amounts described in subclause (II)
2 shall be computed separately from any
3 amounts computed with respect to eligible
4 qualified property which is not round 2 ex-
5 tension property.

6 “(iii) TAXPAYERS NOT PREVIOUSLY
7 ELECTING ACCELERATION.—In the case of
8 a taxpayer who neither made the election
9 under subparagraph (A) for its first tax-
10 able year ending after March 31, 2008,
11 nor made the election under subparagraph
12 (H)(ii) for its first taxable year ending
13 after December 31, 2008—

14 “(I) the taxpayer may elect to
15 have this paragraph apply to its first
16 taxable year ending after December
17 31, 2010, and each subsequent tax-
18 able year, and

19 “(II) if the taxpayer makes the
20 election under subclause (I), this
21 paragraph shall only apply to eligible
22 qualified property which is round 2
23 extension property.

24 “(iv) ROUND 2 EXTENSION PROP-
25 ERTY.—For purposes of this subpara-

1 graph, the term ‘round 2 extension prop-
2 erty’ means property which is eligible
3 qualified property solely by reason of the
4 extension of the application of the special
5 allowance under paragraph (1) pursuant to
6 the amendments made by section 401(a) of
7 the Tax Relief, Unemployment Insurance
8 Reauthorization, and Job Creation Act of
9 2010 (and the application of such exten-
10 sion to this paragraph pursuant to the
11 amendment made by section 401(e)(1) of
12 such Act).”.

13 (d) CONFORMING AMENDMENTS.—

14 (1) The heading for subsection (k) of section
15 168 is amended by striking “JANUARY 1, 2011” and
16 inserting “JANUARY 1, 2013”.

17 (2) The heading for clause (ii) of section
18 168(k)(2)(B) is amended by striking “PRE-JANUARY
19 1, 2011” and inserting “PRE-JANUARY 1, 2013”.

20 (3) Subparagraph (D) of section 168(k)(4) is
21 amended—

22 (A) by striking clauses (iv) and (v),

23 (B) by inserting “and” at the end of clause

24 (ii), and

1 (C) by striking the comma at the end of
2 clause (iii) and inserting a period.

3 (4) Paragraph (5) of section 168(l) is amend-
4 ed—

5 (A) by inserting “and” at the end of sub-
6 paragraph (A),

7 (B) by striking subparagraph (B), and

8 (C) by redesignating subparagraph (C) as
9 subparagraph (B).

10 (5) Subparagraph (C) of section 168(n)(2) is
11 amended by striking “January 1, 2011” and insert-
12 ing “January 1, 2013”.

13 (6) Subparagraph (D) of section 1400L(b)(2) is
14 amended by striking “January 1, 2011” and insert-
15 ing “January 1, 2013”.

16 (7) Subparagraph (B) of section 1400N(d)(3)
17 is amended by striking “January 1, 2011” and in-
18 serting “January 1, 2013”.

19 (e) EFFECTIVE DATES.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the amendments made by this section
22 shall apply to property placed in service after De-
23 cember 31, 2010, in taxable years ending after such
24 date.

1 (2) TEMPORARY 100 PERCENT EXPENSING.—

2 The amendment made by subsection (b) shall apply
3 to property placed in service after September 8,
4 2010, in taxable years ending after such date.

5 **SEC. 402. TEMPORARY EXTENSION OF INCREASED SMALL**
6 **BUSINESS EXPENSING.**

7 (a) DOLLAR LIMITATION.—Section 179(b)(1) is
8 amended by striking “and” at the end of subparagraph
9 (B) and by striking subparagraph (C) and inserting the
10 following new subparagraphs:

11 “(C) \$125,000 in the case of taxable years
12 beginning in 2012, and

13 “(D) \$25,000 in the case of taxable years
14 beginning after 2012.”.

15 (b) REDUCTION IN LIMITATION.—Section 179(b)(2)
16 is amended by striking “and” at the end of subparagraph
17 (B) and by striking subparagraph (C) and inserting the
18 following new subparagraphs:

19 “(C) \$500,000 in the case of taxable years
20 beginning in 2012, and

21 “(D) \$200,000 in the case of taxable years
22 beginning after 2012.”.

23 (c) INFLATION ADJUSTMENT.—Subsection (b) of sec-
24 tion 179 is amended by adding at the end the following
25 new paragraph:

1 “(6) INFLATION ADJUSTMENT.—

2 “(A) IN GENERAL.—In the case of any
3 taxable year beginning in calendar year 2012,
4 the \$125,000 and \$500,000 amounts in para-
5 graphs (1)(C) and (2)(C) shall each be in-
6 creased by an amount equal to—

7 “(i) such dollar amount, multiplied by

8 “(ii) the cost-of-living adjustment de-
9 termined under section 1(f)(3) for the cal-
10 endar year in which the taxable year be-
11 gins, by substituting ‘calendar year 2006’
12 for ‘calendar year 1992’ in subparagraph
13 (B) thereof.

14 “(B) ROUNDING.—

15 “(i) DOLLAR LIMITATION.—If the
16 amount in paragraph (1) as increased
17 under subparagraph (A) is not a multiple
18 of \$1,000, such amount shall be rounded
19 to the nearest multiple of \$1,000.

20 “(ii) PHASEOUT AMOUNT.—If the
21 amount in paragraph (2) as increased
22 under subparagraph (A) is not a multiple
23 of \$10,000, such amount shall be rounded
24 to the nearest multiple of \$10,000.”.

1 (d) COMPUTER SOFTWARE.—Section
2 179(d)(1)(A)(ii) is amended by striking “2012” and in-
3 serting “2013”.

4 (e) CONFORMING AMENDMENT.—Section 179(e)(2)
5 is amended by striking “2012” and inserting “2013”.

6 (f) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to taxable years beginning after
8 December 31, 2011.

9 **TITLE V—TEMPORARY EXTEN-**
10 **SION OF UNEMPLOYMENT IN-**
11 **SURANCE AND RELATED MAT-**
12 **TERS**

13 **SEC. 501. TEMPORARY EXTENSION OF UNEMPLOYMENT IN-**
14 **SURANCE PROVISIONS.**

15 (a) IN GENERAL.—(1) Section 4007 of the Supple-
16 mental Appropriations Act, 2008 (Public Law 110–252;
17 26 U.S.C. 3304 note) is amended—

18 (A) by striking “November 30, 2010” each
19 place it appears and inserting “January 3, 2012”;

20 (B) in the heading for subsection (b)(2), by
21 striking “NOVEMBER 30, 2010” and inserting “JANU-
22 ARY 3, 2012”; and

23 (C) in subsection (b)(3), by striking “April 30,
24 2011” and inserting “June 9, 2012”.

1 (2) Section 2005 of the Assistance for Unemployed
2 Workers and Struggling Families Act, as contained in
3 Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444),
4 is amended—

5 (A) by striking “December 1, 2010” each place
6 it appears and inserting “January 4, 2012”; and

7 (B) in subsection (c), by striking “May 1,
8 2011” and inserting “June 11, 2012”.

9 (3) Section 5 of the Unemployment Compensation
10 Extension Act of 2008 (Public Law 110–449; 26 U.S.C.
11 3304 note) is amended by striking “April 30, 2011” and
12 inserting “June 10, 2012”.

13 (b) FUNDING.—Section 4004(e)(1) of the Supple-
14 mental Appropriations Act, 2008 (Public Law 110–252;
15 26 U.S.C. 3304 note) is amended—

16 (1) in subparagraph (E), by striking “and” at
17 the end; and

18 (2) by inserting after subparagraph (F) the fol-
19 lowing:

20 “(G) the amendments made by section
21 501(a)(1) of the Tax Relief, Unemployment In-
22 surance Reauthorization, and Job Creation Act
23 of 2010; and”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect as if included in the enact-

1 ment of the Unemployment Compensation Extension Act
2 of 2010 (Public Law 111–205).

3 **SEC. 502. TEMPORARY MODIFICATION OF INDICATORS**
4 **UNDER THE EXTENDED BENEFIT PROGRAM.**

5 (a) INDICATOR.—Section 203(d) of the Federal-State
6 Extended Unemployment Compensation Act of 1970 (26
7 U.S.C. 3304 note) is amended, in the flush matter fol-
8 lowing paragraph (2), by inserting after the first sentence
9 the following sentence: “Effective with respect to com-
10 pensation for weeks of unemployment beginning after the
11 date of enactment of the Tax Relief, Unemployment Insur-
12 ance Reauthorization, and Job Creation Act of 2010 (or,
13 if later, the date established pursuant to State law), and
14 ending on or before December 31, 2011, the State may
15 by law provide that the determination of whether there
16 has been a state ‘on’ or ‘off’ indicator beginning or ending
17 any extended benefit period shall be made under this sub-
18 section as if the word ‘two’ were ‘three’ in subparagraph
19 (1)(A).”.

20 (b) ALTERNATIVE TRIGGER.—Section 203(f) of the
21 Federal-State Extended Unemployment Compensation Act
22 of 1970 (26 U.S.C. 3304 note) is amended—

23 (1) by redesignating paragraph (2) as para-
24 graph (3); and

1 (2) by inserting after paragraph (1) the fol-
2 lowing new paragraph:

3 “(2) Effective with respect to compensation for weeks
4 of unemployment beginning after the date of enactment
5 of the Tax Relief, Unemployment Insurance Reauthoriza-
6 tion, and Job Creation Act of 2010 (or, if later, the date
7 established pursuant to State law), and ending on or be-
8 fore December 31, 2011, the State may by law provide
9 that the determination of whether there has been a state
10 ‘on’ or ‘off’ indicator beginning or ending any extended
11 benefit period shall be made under this subsection as if
12 the word ‘either’ were ‘any’, the word “both” were ‘all’,
13 and the figure ‘2’ were ‘3’ in clause (1)(A)(ii).”.

14 **SEC. 503. TECHNICAL AMENDMENT RELATING TO COLLEC-**
15 **TION OF UNEMPLOYMENT COMPENSATION**
16 **DEBTS.**

17 (a) IN GENERAL.—Section 6402(f)(3)(C), as amend-
18 ed by section 801 of the Claims Resolution Act of 2010,
19 is amended by striking “is not a covered unemployment
20 compensation debt” and inserting “is a covered unemploy-
21 ment compensation debt”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall take effect as if included in section
24 801 of the Claims Resolution Act of 2010.

1 **SEC. 504. TECHNICAL CORRECTION RELATING TO REPEAL**
2 **OF CONTINUED DUMPING AND SUBSIDY OFF-**
3 **SET.**

4 (a) **IN GENERAL.**—Section 822(2)(A) of the Claims
5 Resolution Act of 2010 is amended by striking “or” and
6 inserting “and”.

7 (b) **EFFECTIVE DATE.**—The amendment made by
8 subsection (a) shall take effect as if included in the provi-
9 sions of the Claims Resolution Act of 2010.

10 **SEC. 505. ADDITIONAL EXTENDED UNEMPLOYMENT BENE-**
11 **FITS UNDER THE RAILROAD UNEMPLOY-**
12 **MENT INSURANCE ACT.**

13 (a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Rail-
14 road Unemployment Insurance Act, as added by section
15 2006 of the American Recovery and Reinvestment Act of
16 2009 (Public Law 111–5) and as amended by section 9
17 of the Worker, Homeownership, and Business Assistance
18 Act of 2009 (Public Law 111–92), is amended—

19 (1) by striking “June 30, 2010” and inserting
20 “June 30, 2011”; and

21 (2) by striking “December 31, 2010” and in-
22 serting “December 31, 2011”.

23 (b) **CLARIFICATION ON AUTHORITY TO USE**
24 **FUNDS.**—Funds appropriated under either the first or
25 second sentence of clause (iv) of section 2(c)(2)(D) of the
26 Railroad Unemployment Insurance Act shall be available

1 to cover the cost of additional extended unemployment
2 benefits provided under such section 2(c)(2)(D) by reason
3 of the amendments made by subsection (a) as well as to
4 cover the cost of such benefits provided under such section
5 2(c)(2)(D), as in effect on the day before the date of the
6 enactment of this Act.

7 **TITLE VI—EXTENSION OF**
8 **MAKING WORK PAY CREDIT**

9 **SEC. 601. MAKING WORK PAY CREDIT.**

10 (a) **IN GENERAL.**—Section 36A(e) is amended by
11 striking “December 31, 2010” and inserting “December
12 31, 2011”.

13 (b) **TREATMENT OF POSSESSIONS.**—Section
14 1001(b)(1) of the American Recovery and Reinvestment
15 Tax Act of 2009 is amended by striking “2009 and 2010”
16 both places it appears and inserting “2009, 2010, and
17 2011”.

18 (c) **EFFECTIVE DATE.**—The amendments made by
19 this section shall apply to taxable years beginning after
20 December 31, 2010.

1 **TITLE VII—TEMPORARY EXTEN-**
2 **SION OF CERTAIN EXPIRING**
3 **PROVISIONS**

4 **Subtitle A—Energy**

5 **SEC. 701. INCENTIVES FOR BIODIESEL AND RENEWABLE**
6 **DIESEL.**

7 (a) CREDITS FOR BIODIESEL AND RENEWABLE DIE-
8 SEL USED AS FUEL.—Subsection (g) of section 40A is
9 amended by striking “December 31, 2009” and inserting
10 “December 31, 2011”.

11 (b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS
12 FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIX-
13 TURES.—

14 (1) Paragraph (6) of section 6426(c) is amend-
15 ed by striking “December 31, 2009” and inserting
16 “December 31, 2011”.

17 (2) Subparagraph (B) of section 6427(e)(6) is
18 amended by striking “December 31, 2009” and in-
19 serting “December 31, 2011”.

20 (c) SPECIAL RULE FOR 2010.—Notwithstanding any
21 other provision of law, in the case of any biodiesel mixture
22 credit properly determined under section 6426(c) of the
23 Internal Revenue Code of 1986 for periods during 2010,
24 such credit shall be allowed, and any refund or payment
25 attributable to such credit (including any payment under

1 section 6427(e) of such Code) shall be made, only in such
2 manner as the Secretary of the Treasury (or the Sec-
3 retary's delegate) shall provide. Such Secretary shall issue
4 guidance within 30 days after the date of the enactment
5 of this Act providing for a one-time submission of claims
6 covering periods during 2010. Such guidance shall provide
7 for a 180-day period for the submission of such claims
8 (in such manner as prescribed by such Secretary) to begin
9 not later than 30 days after such guidance is issued. Such
10 claims shall be paid by such Secretary not later than 60
11 days after receipt. If such Secretary has not paid pursuant
12 to a claim filed under this subsection within 60 days after
13 the date of the filing of such claim, the claim shall be paid
14 with interest from such date determined by using the over-
15 payment rate and method under section 6621 of such
16 Code.

17 (d) **EFFECTIVE DATE.**—The amendments made by
18 this section shall apply to fuel sold or used after December
19 31, 2009.

20 **SEC. 702. CREDIT FOR REFINED COAL FACILITIES.**

21 (a) **IN GENERAL.**—Subparagraph (B) of section
22 45(d)(8) is amended by striking “January 1, 2010” and
23 inserting “January 1, 2012”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to facilities placed in service after
3 December 31, 2009.

4 **SEC. 703. NEW ENERGY EFFICIENT HOME CREDIT.**

5 (a) IN GENERAL.—Subsection (g) of section 45L is
6 amended by striking “December 31, 2009” and inserting
7 “December 31, 2011”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to homes acquired after December
10 31, 2009.

11 **SEC. 704. EXCISE TAX CREDITS AND OUTLAY PAYMENTS**
12 **FOR ALTERNATIVE FUEL AND ALTERNATIVE**
13 **FUEL MIXTURES.**

14 (a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3),
15 and 6427(e)(6)(C) are each amended by striking “Decem-
16 ber 31, 2009” and inserting “December 31, 2011”.

17 (b) EXCLUSION OF BLACK LIQUOR FROM CREDIT
18 ELIGIBILITY.—The last sentence of section 6426(d)(2) is
19 amended by striking “or biodiesel” and inserting “bio-
20 diesel, or any fuel (including lignin, wood residues, or
21 spent pulping liquors) derived from the production of
22 paper or pulp”.

23 (c) SPECIAL RULE FOR 2010.—Notwithstanding any
24 other provision of law, in the case of any alternative fuel
25 credit or any alternative fuel mixture credit properly deter-

1 mined under subsection (d) or (e) of section 6426 of the
2 Internal Revenue Code of 1986 for periods during 2010,
3 such credit shall be allowed, and any refund or payment
4 attributable to such credit (including any payment under
5 section 6427(e) of such Code) shall be made, only in such
6 manner as the Secretary of the Treasury (or the Sec-
7 retary's delegate) shall provide. Such Secretary shall issue
8 guidance within 30 days after the date of the enactment
9 of this Act providing for a one-time submission of claims
10 covering periods during 2010. Such guidance shall provide
11 for a 180-day period for the submission of such claims
12 (in such manner as prescribed by such Secretary) to begin
13 not later than 30 days after such guidance is issued. Such
14 claims shall be paid by such Secretary not later than 60
15 days after receipt. If such Secretary has not paid pursuant
16 to a claim filed under this subsection within 60 days after
17 the date of the filing of such claim, the claim shall be paid
18 with interest from such date determined by using the over-
19 payment rate and method under section 6621 of such
20 Code.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to fuel sold or used after December
23 31, 2009.

1 **SEC. 705. SPECIAL RULE FOR SALES OR DISPOSITIONS TO**
2 **IMPLEMENT FERC OR STATE ELECTRIC RE-**
3 **STRUCTURING POLICY FOR QUALIFIED ELEC-**
4 **TRIC UTILITIES.**

5 (a) IN GENERAL.—Paragraph (3) of section 451(i)
6 is amended by striking “January 1, 2010” and inserting
7 “January 1, 2012”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to dispositions after December 31,
10 2009.

11 **SEC. 706. SUSPENSION OF LIMITATION ON PERCENTAGE**
12 **DEPLETION FOR OIL AND GAS FROM MAR-**
13 **GINAL WELLS.**

14 (a) IN GENERAL.—Clause (ii) of section
15 613A(c)(6)(H) is amended by striking “January 1, 2010”
16 and inserting “January 1, 2012”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to taxable years beginning after
19 December 31, 2009.

20 **SEC. 707. EXTENSION OF GRANTS FOR SPECIFIED ENERGY**
21 **PROPERTY IN LIEU OF TAX CREDITS.**

22 (a) IN GENERAL.—Subsection (a) of section 1603 of
23 division B of the American Recovery and Reinvestment
24 Act of 2009 is amended—

25 (1) in paragraph (1), by striking “2009 or
26 2010” and inserting “2009, 2010, or 2011”, and

1 (2) in paragraph (2)—

2 (A) by striking “after 2010” and inserting
3 “after 2011”, and

4 (B) by striking “2009 or 2010” and in-
5 serting “2009, 2010, or 2011”.

6 (b) CONFORMING AMENDMENT.—Subsection (j) of
7 section 1603 of division B of such Act is amended by strik-
8 ing “2011” and inserting “2012”.

9 **SEC. 708. EXTENSION OF PROVISIONS RELATED TO ALCO-**
10 **HOL USED AS FUEL.**

11 (a) EXTENSION OF INCOME TAX CREDIT FOR ALCO-
12 HOL USED AS FUEL.—

13 (1) IN GENERAL.—Paragraph (1) of section
14 40(e) is amended—

15 (A) by striking “December 31, 2010” in
16 subparagraph (A) and inserting “December 31,
17 2011”, and

18 (B) by striking “January 1, 2011” in sub-
19 paragraph (B) and inserting “January 1,
20 2012”.

21 (2) REDUCED AMOUNT FOR ETHANOL BLEND-
22 ERS.—Subsection (h) of section 40 is amended by
23 striking “2010” both places it appears and inserting
24 “2011”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to periods after De-
3 cember 31, 2010.

4 (b) EXTENSION OF EXCISE TAX CREDIT FOR ALCO-
5 HOL USED AS FUEL.—

6 (1) IN GENERAL.—Paragraph (6) of section
7 6426(b) is amended by striking “December 31,
8 2010” and inserting “December 31, 2011”.

9 (2) EFFECTIVE DATE.—The amendment made
10 by this subsection shall apply to periods after De-
11 cember 31, 2010.

12 (c) EXTENSION OF PAYMENT FOR ALCOHOL FUEL
13 MIXTURE.—

14 (1) IN GENERAL.—Subparagraph (A) of section
15 6427(e)(6) is amended by striking “December 31,
16 2010” and inserting “December 31, 2011”.

17 (2) EFFECTIVE DATE.—The amendment made
18 by this subsection shall apply to sales and uses after
19 December 31, 2010.

20 (d) EXTENSION OF ADDITIONAL DUTIES ON ETH-
21 ANOL.—

22 (1) IN GENERAL.—Headings 9901.00.50 and
23 9901.00.52 of the Harmonized Tariff Schedule of
24 the United States are each amended in the effective

1 period column by striking “1/1/2011” and inserting
2 “1/1/2012”.

3 (2) **EFFECTIVE DATE.**—The amendments made
4 by this subsection shall take effect on January 1,
5 2011.

6 **SEC. 709. ENERGY EFFICIENT APPLIANCE CREDIT.**

7 (a) **DISHWASHERS.**—Paragraph (1) of section
8 45M(b) is amended by striking “and” at the end of sub-
9 paragraph (A), by striking the period at the end of sub-
10 paragraph (B) and inserting a comma, and by adding at
11 the end the following new subparagraphs:

12 “(C) \$25 in the case of a dishwasher which
13 is manufactured in calendar year 2011 and
14 which uses no more than 307 kilowatt hours
15 per year and 5.0 gallons per cycle (5.5 gallons
16 per cycle for dishwashers designed for greater
17 than 12 place settings),

18 “(D) \$50 in the case of a dishwasher
19 which is manufactured in calendar year 2011
20 and which uses no more than 295 kilowatt
21 hours per year and 4.25 gallons per cycle (4.75
22 gallons per cycle for dishwashers designed for
23 greater than 12 place settings), and

24 “(E) \$75 in the case of a dishwasher
25 which is manufactured in calendar year 2011

1 and which uses no more than 280 kilowatt
2 hours per year and 4 gallons per cycle (4.5 gal-
3 lons per cycle for dishwashers designed for
4 greater than 12 place settings).”.

5 (b) CLOTHES WASHERS.—Paragraph (2) of section
6 45M(b) is amended by striking “and” at the end of sub-
7 paragraph (C), by striking the period at the end of sub-
8 paragraph (D) and inserting a comma, and by adding at
9 the end the following new subparagraphs:

10 “(E) \$175 in the case of a top-loading
11 clothes washer manufactured in calendar year
12 2011 which meets or exceeds a 2.2 modified en-
13 ergy factor and does not exceed a 4.5 water
14 consumption factor, and

15 “(F) \$225 in the case of a clothes washer
16 manufactured in calendar year 2011—

17 “(i) which is a top-loading clothes
18 washer and which meets or exceeds a 2.4
19 modified energy factor and does not exceed
20 a 4.2 water consumption factor, or

21 “(ii) which is a front-loading clothes
22 washer and which meets or exceeds a 2.8
23 modified energy factor and does not exceed
24 a 3.5 water consumption factor.”.

1 (c) REFRIGERATORS.—Paragraph (3) of section
2 45M(b) is amended by striking “and” at the end of sub-
3 paragraph (C), by striking the period at the end of sub-
4 paragraph (D) and inserting a comma, and by adding at
5 the end the following new subparagraphs:

6 “(E) \$150 in the case of a refrigerator
7 manufactured in calendar year 2011 which con-
8 sumes at least 30 percent less energy than the
9 2001 energy conservation standards, and

10 “(F) \$200 in the case of a refrigerator
11 manufactured in calendar year 2011 which con-
12 sumes at least 35 percent less energy than the
13 2001 energy conservation standards.”.

14 (d) REBASING OF LIMITATIONS.—

15 (1) IN GENERAL.—Paragraph (1) of section
16 45M(e) is amended—

17 (A) by striking “\$75,000,000” and insert-
18 ing “\$25,000,000”, and

19 (B) by striking “December 31, 2007” and
20 inserting “December 31, 2010”.

21 (2) EXCEPTION FOR CERTAIN REFRIGERATORS
22 AND CLOTHES WASHERS.—Paragraph (2) of section
23 45M(e) is amended—

24 (A) by striking “subsection (b)(3)(D)” and
25 inserting “subsection (b)(3)(F)”, and

1 (B) by striking “subsection (b)(2)(D)” and
2 inserting “subsection (b)(2)(F)”.

3 (3) GROSS RECEIPTS LIMITATION.—Paragraph
4 (3) of section 45M(e) is amended by striking “2 per-
5 cent” and inserting “4 percent”.

6 (e) EFFECTIVE DATES.—

7 (1) IN GENERAL.—The amendments made by
8 subsections (a), (b), and (c) shall apply to appliances
9 produced after December 31, 2010.

10 (2) LIMITATIONS.—The amendments made by
11 subsection (d) shall apply to taxable years beginning
12 after December 31, 2010.

13 **SEC. 710. CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

14 (a) EXTENSION.—Section 25C(g)(2) is amended by
15 striking “2010” and inserting “2011”.

16 (b) RETURN TO PRE-ARRA LIMITATIONS AND
17 STANDARDS.—

18 (1) IN GENERAL.—Subsections (a) and (b) of
19 section 25C are amended to read as follows:

20 “(a) ALLOWANCE OF CREDIT.—In the case of an in-
21 dividual, there shall be allowed as a credit against the tax
22 imposed by this chapter for the taxable year an amount
23 equal to the sum of—

1 “(1) 10 percent of the amount paid or incurred
2 by the taxpayer for qualified energy efficiency im-
3 provements installed during such taxable year, and

4 “(2) the amount of the residential energy prop-
5 erty expenditures paid or incurred by the taxpayer
6 during such taxable year.

7 “(b) LIMITATIONS.—

8 “(1) LIFETIME LIMITATION.—The credit al-
9 lowed under this section with respect to any tax-
10 payer for any taxable year shall not exceed the ex-
11 cess (if any) of \$500 over the aggregate credits al-
12 lowed under this section with respect to such tax-
13 payer for all prior taxable years ending after Decem-
14 ber 31, 2005.

15 “(2) WINDOWS.—In the case of amounts paid
16 or incurred for components described in subsection
17 (c)(2)(B) by any taxpayer for any taxable year, the
18 credit allowed under this section with respect to such
19 amounts for such year shall not exceed the excess (if
20 any) of \$200 over the aggregate credits allowed
21 under this section with respect to such amounts for
22 all prior taxable years ending after December 31,
23 2005.

24 “(3) LIMITATION ON RESIDENTIAL ENERGY
25 PROPERTY EXPENDITURES.—The amount of the

1 credit allowed under this section by reason of sub-
2 section (a)(2) shall not exceed—

3 “(A) \$50 for any advanced main air circu-
4 lating fan,

5 “(B) \$150 for any qualified natural gas,
6 propane, or oil furnace or hot water boiler, and

7 “(C) \$300 for any item of energy-efficient
8 building property.”.

9 (2) MODIFICATION OF STANDARDS.—

10 (A) IN GENERAL.—Paragraph (1) of sec-
11 tion 25C(c) is amended by striking “2000” and
12 all that follows through “this section” and in-
13 serting “2009 International Energy Conserva-
14 tion Code, as such Code (including supple-
15 ments) is in effect on the date of the enactment
16 of the American Recovery and Reinvestment
17 Tax Act of 2009”.

18 (B) WOOD STOVES.—Subparagraph (E) of
19 section 25C(d)(3) is amended by striking “, as
20 measured using a lower heating value”.

21 (C) OIL FURNACES AND HOT WATER BOIL-
22 ERS.—

23 (i) IN GENERAL.—Paragraph (4) of
24 section 25C(d) is amended to read as fol-
25 lows:

1 “(4) QUALIFIED NATURAL GAS, PROPANE, OR
2 OIL FURNACE OR HOT WATER BOILER.—The term
3 ‘qualified natural gas, propane, or oil furnace or hot
4 water boiler’ means a natural gas, propane, or oil
5 furnace or hot water boiler which achieves an annual
6 fuel utilization efficiency rate of not less than 95.”.

7 (ii) CONFORMING AMENDMENT.—
8 Clause (ii) of section 25C(d)(2)(A) is
9 amended to read as follows:

10 “(ii) a qualified natural gas, propane,
11 or oil furnace or hot water boiler, or”.

12 (D) EXTERIOR WINDOWS, DOORS, AND
13 SKYLIGHTS.—

14 (i) IN GENERAL.—Subsection (c) of
15 section 25C is amended by striking para-
16 graph (4).

17 (ii) APPLICATION OF ENERGY STAR
18 STANDARDS.—Paragraph (1) of section
19 25C(c) is amended by inserting “an exte-
20 rior window, a skylight, an exterior door,”
21 after “in the case of” in the matter pre-
22 ceding subparagraph (A).

23 (E) INSULATION.—Subparagraph (A) of
24 section 25C(c)(2) is amended by striking “and
25 meets the prescriptive criteria for such material

1 or system established by the 2009 International
2 Energy Conservation Code, as such Code (in-
3 cluding supplements) is in effect on the date of
4 the enactment of the American Recovery and
5 Reinvestment Tax Act of 2009”.

6 (3) **SUBSIDIZED ENERGY FINANCING.**—Sub-
7 section (e) of section 25C is amended by adding at
8 the end the following new paragraph:

9 “(3) **PROPERTY FINANCED BY SUBSIDIZED EN-**
10 **ERGY FINANCING.**—For purposes of determining the
11 amount of expenditures made by any individual with
12 respect to any property, there shall not be taken into
13 account expenditures which are made from sub-
14 sidized energy financing (as defined in section
15 48(a)(4)(C)).”.

16 (c) **EFFECTIVE DATE.**—The amendments made by
17 this section shall apply to property placed in service after
18 December 31, 2010.

19 **SEC. 711. ALTERNATIVE FUEL VEHICLE REFUELING PROP-**
20 **ERTY.**

21 (a) **EXTENSION OF CREDIT.**—Paragraph (2) of sec-
22 tion 30C(g) is amended by striking “December 31, 2010”
23 and inserting “December 31, 2011.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to property placed in service after
3 December 31, 2010.

4 **Subtitle B—Individual Tax Relief**

5 **SEC. 721. DEDUCTION FOR CERTAIN EXPENSES OF ELE-** 6 **MENTARY AND SECONDARY SCHOOL TEACH-** 7 **ERS.**

8 (a) IN GENERAL.—Subparagraph (D) of section
9 62(a)(2) is amended by striking “or 2009” and inserting
10 “2009, 2010, or 2011”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 this section shall apply to taxable years beginning after
13 December 31, 2009.

14 **SEC. 722. DEDUCTION OF STATE AND LOCAL SALES TAXES.**

15 (a) IN GENERAL.—Subparagraph (I) of section
16 164(b)(5) is amended by striking “January 1, 2010” and
17 inserting “January 1, 2012”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to taxable years beginning after
20 December 31, 2009.

21 **SEC. 723. CONTRIBUTIONS OF CAPITAL GAIN REAL PROP-** 22 **ERTY MADE FOR CONSERVATION PURPOSES.**

23 (a) IN GENERAL.—Clause (vi) of section
24 170(b)(1)(E) is amended by striking “December 31,
25 2009” and inserting “December 31, 2011”.

1 (b) CONTRIBUTIONS BY CERTAIN CORPORATE FARM-
2 ERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B)
3 is amended by striking “December 31, 2009” and insert-
4 ing “December 31, 2011”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to contributions made in taxable
7 years beginning after December 31, 2009.

8 **SEC. 724. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED**
9 **TUITION AND RELATED EXPENSES.**

10 (a) IN GENERAL.—Subsection (e) of section 222 is
11 amended by striking “December 31, 2009” and inserting
12 “December 31, 2011”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply to taxable years beginning after
15 December 31, 2009.

16 **SEC. 725. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RE-**
17 **TIREMENT PLANS FOR CHARITABLE PUR-**
18 **POSES.**

19 (a) IN GENERAL.—Subparagraph (F) of section
20 408(d)(8) is amended by striking “December 31, 2009”
21 and inserting “December 31, 2011”.

22 (b) EFFECTIVE DATE; SPECIAL RULE.—

23 (1) EFFECTIVE DATE.—The amendment made
24 by this section shall apply to distributions made in
25 taxable years beginning after December 31, 2009.

1 (2) SPECIAL RULE.—For purposes of sub-
2 sections (a)(6), (b)(3), and (d)(8) of section 408 of
3 the Internal Revenue Code of 1986, at the election
4 of the taxpayer (at such time and in such manner
5 as prescribed by the Secretary of the Treasury) any
6 qualified charitable distribution made after Decem-
7 ber 31, 2010, and before February 1, 2011, shall be
8 deemed to have been made on December 31, 2010.

9 **SEC. 726. LOOK-THRU OF CERTAIN REGULATED INVEST-**
10 **MENT COMPANY STOCK IN DETERMINING**
11 **GROSS ESTATE OF NONRESIDENTS.**

12 (a) IN GENERAL.—Paragraph (3) of section 2105(d)
13 is amended by striking “December 31, 2009” and insert-
14 ing “December 31, 2011”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 this section shall apply to estates of decedents dying after
17 December 31, 2009.

18 **SEC. 727. PARITY FOR EXCLUSION FROM INCOME FOR EM-**
19 **PLOYER-PROVIDED MASS TRANSIT AND**
20 **PARKING BENEFITS.**

21 (a) IN GENERAL.—Paragraph (2) of section 132(f)
22 is amended by striking “January 1, 2011” and inserting
23 “January 1, 2012”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to months after December 31,
3 2010.

4 **SEC. 728. REFUNDS DISREGARDED IN THE ADMINISTRA-**
5 **TION OF FEDERAL PROGRAMS AND FEDER-**
6 **ALLY ASSISTED PROGRAMS.**

7 (a) IN GENERAL.—Subchapter A of chapter 65 is
8 amended by adding at the end the following new section:

9 **“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRA-**
10 **TION OF FEDERAL PROGRAMS AND FEDER-**
11 **ALLY ASSISTED PROGRAMS.**

12 “(a) IN GENERAL.—Notwithstanding any other pro-
13 vision of law, any refund (or advance payment with respect
14 to a refundable credit) made to any individual under this
15 title shall not be taken into account as income, and shall
16 not be taken into account as resources for a period of 12
17 months from receipt, for purposes of determining the eligi-
18 bility of such individual (or any other individual) for bene-
19 fits or assistance (or the amount or extent of benefits or
20 assistance) under any Federal program or under any State
21 or local program financed in whole or in part with Federal
22 funds.

23 “(b) TERMINATION.—Subsection (a) shall not apply
24 to any amount received after December 31, 2012.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for such subchapter is amended by adding at the end the
3 following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs
and federally assisted programs.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to amounts received after Decem-
6 ber 31, 2009.

7 **Subtitle C—Business Tax Relief**

8 **SEC. 731. RESEARCH CREDIT.**

9 (a) IN GENERAL.—Subparagraph (B) of section
10 41(h)(1) is amended by striking “December 31, 2009”
11 and inserting “December 31, 2011”.

12 (b) CONFORMING AMENDMENT.—Subparagraph (D)
13 of section 45C(b)(1) is amended by striking “December
14 31, 2009” and inserting “December 31, 2011”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to amounts paid or incurred after
17 December 31, 2009.

18 **SEC. 732. INDIAN EMPLOYMENT TAX CREDIT.**

19 (a) IN GENERAL.—Subsection (f) of section 45A is
20 amended by striking “December 31, 2009” and inserting
21 “December 31, 2011”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section shall apply to taxable years beginning after
24 December 31, 2009.

1 **SEC. 733. NEW MARKETS TAX CREDIT.**

2 (a) IN GENERAL.—Paragraph (1) of section 45D(f)
3 is amended—

4 (1) by striking “and” at the end of subpara-
5 graph (E),

6 (2) by striking the period at the end of sub-
7 paragraph (F), and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(G) \$3,500,000,000 for 2010 and 2011.”.

11 (b) CONFORMING AMENDMENT.—Paragraph (3) of
12 section 45D(f) is amended by striking “2014” and insert-
13 ing “2016”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to calendar years beginning after
16 2009.

17 **SEC. 734. RAILROAD TRACK MAINTENANCE CREDIT.**

18 (a) IN GENERAL.—Subsection (f) of section 45G is
19 amended by striking “January 1, 2010” and inserting
20 “January 1, 2012”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall apply to expenditures paid or incurred
23 in taxable years beginning after December 31, 2009.

1 **SEC. 735. MINE RESCUE TEAM TRAINING CREDIT.**

2 (a) IN GENERAL.—Subsection (e) of section 45N is
3 amended by striking “December 31, 2009” and inserting
4 “December 31, 2011”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 this section shall apply to taxable years beginning after
7 December 31, 2009.

8 **SEC. 736. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO**
9 **ARE ACTIVE DUTY MEMBERS OF THE UNI-**
10 **FORMED SERVICES.**

11 (a) IN GENERAL.—Subsection (f) of section 45P is
12 amended by striking “December 31, 2009” and inserting
13 “December 31, 2011”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall apply to payments made after December
16 31, 2009.

17 **SEC. 737. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR**
18 **QUALIFIED LEASEHOLD IMPROVEMENTS,**
19 **QUALIFIED RESTAURANT BUILDINGS AND IM-**
20 **PROVEMENTS, AND QUALIFIED RETAIL IM-**
21 **PROVEMENTS.**

22 (a) IN GENERAL.—Clauses (iv), (v), and (ix) of sec-
23 tion 168(e)(3)(E) are each amended by striking “January
24 1, 2010” and inserting “January 1, 2012”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Clause (i) of section 168(e)(7)(A) is amend-
2 ed by striking “if such building is placed in service
3 after December 31, 2008, and before January 1,
4 2010.”.

5 (2) Paragraph (8) of section 168(e) is amended
6 by striking subparagraph (E).

7 (3) Section 179(f)(2) is amended—

8 (A) by striking “(without regard to the
9 dates specified in subparagraph (A)(i) thereof)”
10 in subparagraph (B), and

11 (B) by striking “(without regard to sub-
12 paragraph (E) thereof)” in subparagraph (C).

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to property placed in service after
15 December 31, 2009.

16 **SEC. 738. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS**
17 **ENTERTAINMENT COMPLEXES.**

18 (a) IN GENERAL.—Subparagraph (D) of section
19 168(i)(15) is amended by striking “December 31, 2009”
20 and inserting “December 31, 2011”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall apply to property placed in service after
23 December 31, 2009.

1 **SEC. 739. ACCELERATED DEPRECIATION FOR BUSINESS**
2 **PROPERTY ON AN INDIAN RESERVATION.**

3 (a) IN GENERAL.—Paragraph (8) of section 168(j)
4 is amended by striking “December 31, 2009” and insert-
5 ing “December 31, 2011”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply to property placed in service after
8 December 31, 2009.

9 **SEC. 740. ENHANCED CHARITABLE DEDUCTION FOR CON-**
10 **TRIBUTIONS OF FOOD INVENTORY.**

11 (a) IN GENERAL.—Clause (iv) of section
12 170(e)(3)(C) is amended by striking “December 31,
13 2009” and inserting “December 31, 2011”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall apply to contributions made after De-
16 cember 31, 2009.

17 **SEC. 741. ENHANCED CHARITABLE DEDUCTION FOR CON-**
18 **TRIBUTIONS OF BOOK INVENTORIES TO PUB-**
19 **LIC SCHOOLS.**

20 (a) IN GENERAL.—Clause (iv) of section
21 170(e)(3)(D) is amended by striking “December 31,
22 2009” and inserting “December 31, 2011”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply to contributions made after De-
25 cember 31, 2009.

1 **SEC. 742. ENHANCED CHARITABLE DEDUCTION FOR COR-**
2 **PORATE CONTRIBUTIONS OF COMPUTER IN-**
3 **VENTORY FOR EDUCATIONAL PURPOSES.**

4 (a) IN GENERAL.—Subparagraph (G) of section
5 170(e)(6) is amended by striking “December 31, 2009”
6 and inserting “December 31, 2011”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall apply to contributions made in taxable
9 years beginning after December 31, 2009.

10 **SEC. 743. ELECTION TO EXPENSE MINE SAFETY EQUIP-**
11 **MENT.**

12 (a) IN GENERAL.—Subsection (g) of section 179E is
13 amended by striking “December 31, 2009” and inserting
14 “December 31, 2011”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 this section shall apply to property placed in service after
17 December 31, 2009.

18 **SEC. 744. SPECIAL EXPENSING RULES FOR CERTAIN FILM**
19 **AND TELEVISION PRODUCTIONS.**

20 (a) IN GENERAL.—Subsection (f) of section 181 is
21 amended by striking “December 31, 2009” and inserting
22 “December 31, 2011”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply to productions commencing after
25 December 31, 2009.

1 **SEC. 745. EXPENSING OF ENVIRONMENTAL REMEDIATION**
2 **COSTS.**

3 (a) IN GENERAL.—Subsection (h) of section 198 is
4 amended by striking “December 31, 2009” and inserting
5 “December 31, 2011”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply to expenditures paid or incurred
8 after December 31, 2009.

9 **SEC. 746. DEDUCTION ALLOWABLE WITH RESPECT TO IN-**
10 **COME ATTRIBUTABLE TO DOMESTIC PRO-**
11 **DUCTION ACTIVITIES IN PUERTO RICO.**

12 (a) IN GENERAL.—Subparagraph (C) of section
13 199(d)(8) is amended—

14 (1) by striking “first 4 taxable years” and in-
15 serting “first 6 taxable years”; and

16 (2) by striking “January 1, 2010” and insert-
17 ing “January 1, 2012”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to taxable years beginning after
20 December 31, 2009.

21 **SEC. 747. MODIFICATION OF TAX TREATMENT OF CERTAIN**
22 **PAYMENTS TO CONTROLLING EXEMPT ORGA-**
23 **NIZATIONS.**

24 (a) IN GENERAL.—Clause (iv) of section
25 512(b)(13)(E) is amended by striking “December 31,
26 2009” and inserting “December 31, 2011”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to payments received or accrued
3 after December 31, 2009.

4 **SEC. 748. TREATMENT OF CERTAIN DIVIDENDS OF REGU-**
5 **LATED INVESTMENT COMPANIES.**

6 (a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of
7 section 871(k) are each amended by striking “December
8 31, 2009” and inserting “December 31, 2011”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to taxable years beginning after
11 December 31, 2009.

12 **SEC. 749. RIC QUALIFIED INVESTMENT ENTITY TREATMENT**
13 **UNDER FIRPTA.**

14 (a) IN GENERAL.—Clause (ii) of section
15 897(h)(4)(A) is amended by striking “December 31,
16 2009” and inserting “December 31, 2011”.

17 (b) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The amendment made by
19 subsection (a) shall take effect on January 1, 2010.
20 Notwithstanding the preceding sentence, such
21 amendment shall not apply with respect to the with-
22 holding requirement under section 1445 of the Inter-
23 nal Revenue Code of 1986 for any payment made
24 before the date of the enactment of this Act.

1 (2) AMOUNTS WITHHELD ON OR BEFORE DATE
2 OF ENACTMENT.—In the case of a regulated invest-
3 ment company—

4 (A) which makes a distribution after De-
5 cember 31, 2009, and before the date of the en-
6 actment of this Act; and

7 (B) which would (but for the second sen-
8 tence of paragraph (1)) have been required to
9 withhold with respect to such distribution under
10 section 1445 of such Code,

11 such investment company shall not be liable to any
12 person to whom such distribution was made for any
13 amount so withheld and paid over to the Secretary
14 of the Treasury.

15 **SEC. 750. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

16 (a) IN GENERAL.—Sections 953(e)(10) and
17 954(h)(9) are each amended by striking “January 1,
18 2010” and inserting “January 1, 2012”.

19 (b) CONFORMING AMENDMENT.—Section 953(e)(10)
20 is amended by striking “December 31, 2009” and insert-
21 ing “December 31, 2011”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to taxable years of foreign corpora-
24 tions beginning after December 31, 2009, and to taxable

1 years of United States shareholders with or within which
2 any such taxable year of such foreign corporation ends.

3 **SEC. 751. LOOK-THRU TREATMENT OF PAYMENTS BE-**
4 **TWEEN RELATED CONTROLLED FOREIGN**
5 **CORPORATIONS UNDER FOREIGN PERSONAL**
6 **HOLDING COMPANY RULES.**

7 (a) IN GENERAL.—Subparagraph (C) of section
8 954(c)(6) is amended by striking “January 1, 2010” and
9 inserting “January 1, 2012”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall apply to taxable years of foreign corpora-
12 tions beginning after December 31, 2009, and to taxable
13 years of United States shareholders with or within which
14 any such taxable year of such foreign corporation ends.

15 **SEC. 752. BASIS ADJUSTMENT TO STOCK OF S CORPS MAK-**
16 **ING CHARITABLE CONTRIBUTIONS OF PROP-**
17 **ERTY.**

18 (a) IN GENERAL.—Paragraph (2) of section 1367(a)
19 is amended by striking “December 31, 2009” and insert-
20 ing “December 31, 2011”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall apply to contributions made in taxable
23 years beginning after December 31, 2009.

24 **SEC. 753. EMPOWERMENT ZONE TAX INCENTIVES.**

25 (a) IN GENERAL.—Section 1391 is amended—

1 (1) by striking “December 31, 2009” in sub-
2 section (d)(1)(A)(i) and inserting “December 31,
3 2011”; and

4 (2) by striking the last sentence of subsection
5 (h)(2).

6 (b) INCREASED EXCLUSION OF GAIN ON STOCK OF
7 EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C)
8 of section 1202(a)(2) is amended—

9 (1) by striking “December 31, 2014” and in-
10 serting “December 31, 2016”; and

11 (2) by striking “2014” in the heading and in-
12 serting “2016”.

13 (c) TREATMENT OF CERTAIN TERMINATION DATES
14 SPECIFIED IN NOMINATIONS.—In the case of a designa-
15 tion of an empowerment zone the nomination for which
16 included a termination date which is contemporaneous
17 with the date specified in subparagraph (A)(i) of section
18 1391(d)(1) of the Internal Revenue Code of 1986 (as in
19 effect before the enactment of this Act), subparagraph (B)
20 of such section shall not apply with respect to such des-
21 ignation if, after the date of the enactment of this section,
22 the entity which made such nomination amends the nomi-
23 nation to provide for a new termination date in such man-
24 ner as the Secretary of the Treasury (or the Secretary’s
25 designee) may provide.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to periods after December 31,
3 2009.

4 **SEC. 754. TAX INCENTIVES FOR INVESTMENT IN THE DIS-**
5 **TRICT OF COLUMBIA.**

6 (a) IN GENERAL.—Subsection (f) of section 1400 is
7 amended by striking “December 31, 2009” each place it
8 appears and inserting “December 31, 2011”.

9 (b) TAX-EXEMPT DC EMPOWERMENT ZONE
10 BONDS.—Subsection (b) of section 1400A is amended by
11 striking “December 31, 2009” and inserting “December
12 31, 2011”.

13 (c) ZERO-PERCENT CAPITAL GAINS RATE.—

14 (1) ACQUISITION DATE.—Paragraphs (2)(A)(i),
15 (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section
16 1400B(b) are each amended by striking “January 1,
17 2010” and inserting “January 1, 2012”.

18 (2) LIMITATION ON PERIOD OF GAINS.—

19 (A) IN GENERAL.—Paragraph (2) of sec-
20 tion 1400B(e) is amended—

21 (i) by striking “December 31, 2014”
22 and inserting “December 31, 2016”; and

23 (ii) by striking “2014” in the heading
24 and inserting “2016”.

1 (B) PARTNERSHIPS AND S-CORPS.—Para-
2 graph (2) of section 1400B(g) is amended by
3 striking “December 31, 2014” and inserting
4 “December 31, 2016”.

5 (d) FIRST-TIME HOMEBUYER CREDIT.—Subsection
6 (i) of section 1400C is amended by striking “January 1,
7 2010” and inserting “January 1, 2012”.

8 (e) EFFECTIVE DATES.—

9 (1) IN GENERAL.—Except as otherwise pro-
10 vided in this subsection, the amendments made by
11 this section shall apply to periods after December
12 31, 2009.

13 (2) TAX-EXEMPT DC EMPOWERMENT ZONE
14 BONDS.—The amendment made by subsection (b)
15 shall apply to bonds issued after December 31,
16 2009.

17 (3) ACQUISITION DATES FOR ZERO-PERCENT
18 CAPITAL GAINS RATE.—The amendments made by
19 subsection (c) shall apply to property acquired or
20 substantially improved after December 31, 2009.

21 (4) HOMEBUYER CREDIT.—The amendment
22 made by subsection (d) shall apply to homes pur-
23 chased after December 31, 2009.

1 **SEC. 755. TEMPORARY INCREASE IN LIMIT ON COVER OVER**
2 **OF RUM EXCISE TAXES TO PUERTO RICO AND**
3 **THE VIRGIN ISLANDS.**

4 (a) IN GENERAL.—Paragraph (1) of section 7652(f)
5 is amended by striking “January 1, 2010” and inserting
6 “January 1, 2012”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall apply to distilled spirits brought into the
9 United States after December 31, 2009.

10 **SEC. 756. AMERICAN SAMOA ECONOMIC DEVELOPMENT**
11 **CREDIT.**

12 (a) IN GENERAL.—Subsection (d) of section 119 of
13 division A of the Tax Relief and Health Care Act of 2006
14 is amended—

15 (1) by striking “first 4 taxable years” and in-
16 serting “first 6 taxable years”, and

17 (2) by striking “January 1, 2010” and insert-
18 ing “January 1, 2012”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to taxable years beginning after
21 December 31, 2009.

22 **SEC. 757. WORK OPPORTUNITY CREDIT.**

23 (a) IN GENERAL.—Subparagraph (B) of section
24 51(c)(4) is amended by striking “August 31, 2011” and
25 inserting “December 31, 2011”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to individuals who begin work for
3 the employer after the date of the enactment of this Act.

4 **SEC. 758. QUALIFIED ZONE ACADEMY BONDS.**

5 (a) IN GENERAL.—Section 54E(c)(1) is amended—

6 (1) by striking “2008 and” and inserting
7 “2008,” and

8 (2) by inserting “and \$400,000,000 for 2011”
9 after “2010,”.

10 (b) REPEAL OF REFUNDABLE CREDIT FOR
11 QZABS.—Paragraph (3) of section 6431(f) is amended by
12 inserting “determined without regard to any allocation re-
13 lating to the national zone academy bond limitation for
14 2011 or any carryforward of such allocation” after
15 “54E)” in subparagraph (A)(iii).

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to obligations issued after Decem-
18 ber 31, 2010.

19 **SEC. 759. MORTGAGE INSURANCE PREMIUMS.**

20 (a) IN GENERAL.—Clause (iv) of section
21 163(h)(3)(E) is amended by striking “December 31,
22 2010” and inserting “December 31, 2011”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply to amounts paid or accrued after
25 December 31, 2010.

1 **SEC. 760. TEMPORARY EXCLUSION OF 100 PERCENT OF**
2 **GAIN ON CERTAIN SMALL BUSINESS STOCK.**

3 (a) IN GENERAL.—Paragraph (4) of section 1202(a)
4 is amended—

5 (1) by striking “January 1, 2011” and insert-
6 ing “January 1, 2012”, and

7 (2) by inserting “AND 2011” after “2010” in the
8 heading thereof.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to stock acquired after December
11 31, 2010.

12 **Subtitle D—Temporary Disaster**
13 **Relief Provisions**

14 **PART**

15 **Subpart A—New York Liberty Zone**

16 **SEC. 761. TAX-EXEMPT BOND FINANCING.**

17 (a) IN GENERAL.—Subparagraph (D) of section
18 1400L(d)(2) is amended by striking “January 1, 2010”
19 and inserting “January 1, 2012”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to bonds issued after December
22 31, 2009.

1 **Subpart B—GO Zone**

2 **SEC. 762. INCREASE IN REHABILITATION CREDIT.**

3 (a) IN GENERAL.—Subsection (h) of section 1400N
4 is amended by striking “December 31, 2009” and insert-
5 ing “December 31, 2011”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply to amounts paid or incurred after
8 December 31, 2009.

9 **SEC. 763. LOW-INCOME HOUSING CREDIT RULES FOR**
10 **BUILDINGS IN GO ZONES.**

11 Section 1400N(c)(5) is amended by striking “Janu-
12 ary 1, 2011” and inserting “January 1, 2012”.

13 **SEC. 764. TAX-EXEMPT BOND FINANCING.**

14 (a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of
15 section 1400N(a) are each amended by striking “January
16 1, 2011” and inserting “January 1, 2012”.

17 (b) CONFORMING AMENDMENTS.—Sections
18 702(d)(1) and 704(a) of the Heartland Disaster Tax Re-
19 lief Act of 2008 are each amended by striking “January
20 1, 2011” each place it appears and inserting “January
21 1, 2012”.

22 **SEC. 765. BONUS DEPRECIATION DEDUCTION APPLICABLE**
23 **TO THE GO ZONE.**

24 (a) IN GENERAL.—Paragraph (6) of section
25 1400N(d) is amended—

1 purposes of payments made for calendar year
2 2011)” after “the date of the enactment of this
3 Act”, and

4 (C) by adding at the end the following new
5 sentence: “In the case of an individual who is
6 eligible for a payment under the preceding sen-
7 tence by reason of entitlement to a benefit de-
8 scribed in subparagraph (B)(i), no such pay-
9 ment shall be made to such individual for cal-
10 endar year 2011 unless such individual was
11 paid a benefit described in such subparagraph
12 (B)(i) for any month in the 12-month period
13 ending with December 2010.”,

14 (2) in subsection (a)(1)(B)(iii), by inserting
15 “(for purposes of payments made under this para-
16 graph for calendar year 2009), or the 3-month pe-
17 riod ending with December 2010 (for purposes of
18 payments made under this paragraph for calendar
19 year 2011)” before the period at the end,

20 (3) in subsection (a)(2)—

21 (A) by inserting “, or who are utilizing a
22 foreign or domestic Army Post Office, Fleet
23 Post Office, or Diplomatic Post Office address”
24 after “Northern Mariana Islands”, and

1 (B) by striking “current address of
2 record” and inserting “address of record, as of
3 the date of certification under subsection (b) for
4 a payment under this section”,

5 (4) in subsection (a)(3)—

6 (A) by inserting “per calendar year (deter-
7 mined with respect to the calendar year for
8 which the payment is made, and without regard
9 to the date such payment is actually paid to
10 such individual)” after “only 1 payment under
11 this section”, and

12 (B) by inserting “FOR THE SAME
13 YEAR” after “PAYMENTS” in the heading
14 thereof,

15 (5) in subsection (a)(4)—

16 (A) by inserting “(or, in the case of sub-
17 paragraph (D), shall not be due)” after “made”
18 in the matter preceding subparagraph (A),

19 (B) by striking subparagraph (A) and in-
20 serting the following:

21 “(A) in the case of an individual entitled to
22 a benefit specified in paragraph (1)(B)(i) or
23 paragraph (1)(B)(ii)(VIII) if —

24 “(i) for the most recent month of such
25 individual’s entitlement in the applicable 3-

1 month period described in paragraph (1);

2 or

3 “(ii) for any month thereafter which

4 is before the month after the month of the

5 payment;

6 such individual’s benefit under such paragraph

7 was not payable by reason of subsection (x) or

8 (y) of section 202 of the Social Security Act (42

9 U.S.C. 402) or section 1129A of such Act (42

10 U.S.C. 1320a–8a);”,

11 (C) in subparagraph (B), by striking “3

12 month period” and inserting “applicable 3-

13 month period”,

14 (D) by striking subparagraph (C) and in-

15 serting the following:

16 “(C) in the case of an individual entitled to

17 a benefit specified in paragraph (1)(C) if—

18 “(i) for the most recent month of such

19 individual’s eligibility in the applicable 3-

20 month period described in paragraph (1);

21 or

22 “(ii) for any month thereafter which

23 is before the month after the month of the

24 payment;

1 such individual's benefit under such paragraph
2 was not able by reason of subsection (e)(1)(A)
3 or (e)(4) of section 1611 (42 U.S.C. 1382) or
4 section 1129A of such Act (42 U.S.C. 1320a-
5 8a); or”

6 (E) by striking subparagraph (D) and in-
7 serting the following:

8 “(D) in the case of any individual whose
9 date of death occurs—

10 “(i) before the date of receipt of the
11 payment; or

12 “(ii) in the case of a direct deposit,
13 before the date on which such payment is
14 deposited into such individual's account.”,

15 (F) by adding at the end the following
16 flush sentence:

17 “‘In the case of any individual whose date of death
18 occurs before a payment is negotiated (in the case
19 of a check) or deposited (in the case of a direct de-
20 posit), such payment shall not be due and shall not
21 be reissued to the estate of such individual or to any
22 other person.’”, and

23 (G) by adding at the end, as amended by
24 subparagraph (F), the following new sentence:

25 “Subparagraphs (A)(ii) and (C)(ii) shall apply

1 only in the case of certifications under sub-
2 section (b) which are, or but for this paragraph
3 would be, made after the date of the enactment
4 of Emergency Senior Citizens Relief Act of
5 2010, and shall apply to such certifications
6 without regard to the calendar year of the pay-
7 ments to which such certifications apply.”.

8 (6) in subsection (a)(5)—

9 (A) by inserting “, in the case of payments
10 for calendar year 2009, and no later than April
11 30, 2011, in the case of payments for calendar
12 year 2011” before the period at the end of the
13 first sentence of subparagraph (A), and

14 (B) by striking subparagraph (B) and in-
15 serting the following:

16 “(B) DEADLINE.—No payment for cal-
17 endar year 2009 shall be disbursed under this
18 section after December 31, 2010, and no pay-
19 ment for calendar year 2011 shall be disbursed
20 under this section after December 31, 2012, re-
21 gardless of any determinations of entitlement
22 to, or eligibility for, such payment made after
23 whichever of such dates is applicable to such
24 payment.”,

1 (7) in subsection (b), by inserting “(except that
2 such certification shall be affected by a determina-
3 tion that an individual is an individual described in
4 subparagraph (A), (B), (C), or (D) of subsection
5 (a)(4) during a period described in such subpara-
6 graphs), and no individual shall be certified to re-
7 ceive a payment under this section for a calendar
8 year if such individual has at any time been denied
9 certification for such a payment for such calendar
10 year by reason of subparagraph (A)(ii) or (C)(ii) of
11 subsection (a)(4) (unless such individual is subse-
12 quently determined not to have been an individual
13 described in either such subparagraph at the time of
14 such denial)” before the period at the end of the last
15 sentence,

16 (8) in subsection (c), by striking paragraph (4)
17 and inserting the following:

18 “(4) PAYMENTS SUBJECT TO OFFSET AND REC-
19 LAMATION.—Notwithstanding paragraph (3), any
20 payment made under this section—

21 “(A) shall, in the case of a payment by di-
22 rect deposit which is made after the date of the
23 enactment of the Emergency Senior Citizens
24 Relief Act of 2010, be subject to the reclama-
25 tion provisions under subpart B of part 210 of

1 title 31, Code of Federal Regulations (relating
2 to reclamation of benefit payments); and

3 “(B) shall not, for purposes of section
4 3716 of title 31, United States Code, be consid-
5 ered a benefit payment or cash benefit made
6 under the applicable program described in sub-
7 paragraph (B) or (C) of subsection (a)(1), and
8 all amounts paid shall be subject to offset under
9 such section 3716 to collect delinquent debts.”,
10 (9) in subsection (e)—

11 (A) by striking “2011” and inserting
12 “2013”,

13 (B) by inserting “section 2(b) of the
14 Emergency Senior Citizens Relief Act of 2010,”
15 after “section 2202,” in paragraph (1), and

16 (C) by adding at the following new para-
17 graph:

18 “(5)(A) For the Secretary of the Treasury, an
19 additional \$5,200,000 for purposes described in
20 paragraph (1).

21 “(B) For the Commissioner of Social Security,
22 an additional \$5,000,000 for the purposes described
23 in paragraph (2)(B).

1 “(C) For the Railroad Retirement Board, an
2 additional \$600,000 for the purposes described in
3 paragraph (3)(B).

4 “(D) For the Secretary of Veterans Affairs, an
5 additional \$625,000 for the Information Systems
6 Technology account”.

7 (b) EXTENSION OF SPECIAL CREDIT FOR CERTAIN
8 GOVERNMENT RETIREES.—

9 (1) IN GENERAL.—In the case of an eligible in-
10 dividual (as defined in section 2202(b) of the Amer-
11 ican Recovery and Reinvestment Tax Act of 2009,
12 applied by substituting “2011” for “2009”), with re-
13 spect to the first taxable year of such individual be-
14 ginning in 2011, section 2202 of the American Re-
15 covery and Reinvestment Tax Act of 2009 shall be
16 applied by substituting “2011” for “2009” each
17 place it appears.

18 (2) CONFORMING AMENDMENT.—Subsection (c)
19 of section 36A of the Internal Revenue Code of 1986
20 is amended by inserting “, and any credit allowed to
21 the taxpayer under section 2(b)(1) of the Emergency
22 Senior Citizens Relief Act of 2010” after “the
23 American Recovery and Reinvestment Tax Act of
24 2009”.

25 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in paragraph (2), the amendments made by
3 this section shall take effect on the date of the en-
4 actment of this Act.

5 (2) APPLICATION OF RULE RELATING TO DE-
6 CEASED INDIVIDUALS.—The amendment made by
7 subsection (a)(5)(F) shall take effect as if included
8 in section 2201 of the American Recovery and Rein-
9 vestment Tax Act of 2009.

10 **TITLE IX—INFRASTRUCTURE,**
11 **ENERGY, AND WATER PROVI-**
12 **SIONS**

13 **Subtitle A—TIGER Discretionary**
14 **Grants**

15 **SEC. 901. TIGER DISCRETIONARY GRANTS.**

16 There are appropriated, out of any money in the
17 Treasury not otherwise appropriated, \$5,000,000,000 for
18 each of fiscal years 2011 and 2012, for the discretionary
19 grant program established under the heading “NATIONAL
20 INFRASTRUCTURE INVESTMENTS” under the heading “OF-
21 FICE OF THE SECRETARY” under the heading “DEPART-
22 MENT OF TRANSPORTATION” of title I of division
23 A of the Consolidated Appropriations Act, 2010 (Public
24 Law 111–117; 123 Stat. 3036), commonly referred to as
25 the “TIGER II Discretionary Grant Program”: *Provided,*

1 *That the amount of a grant under this section may not*
2 *exceed \$400,000,000: Provided further, That not less than*
3 *20 percent of the funds made available under this section*
4 *for each fiscal year may be awarded to projects located in*
5 *rural areas: Provided further, That not less than 1 percent*
6 *of the funds made available under this section for each fiscal*
7 *year may be used for the planning, preparation, or design*
8 *of projects eligible for funding under the TIGER II Discre-*
9 *tionary Grant Program: Provided further, That not more*
10 *than 15 percent of the funds made available under this sec-*
11 *tion for a fiscal year may be awarded to projects in a single*
12 *State: Provided further, That the Secretary may award a*
13 *grant of less than \$10,000,000 to fund a significant project*
14 *in a smaller city, region, or State: Provided further, That*
15 *the Federal share of the cost of a significant project in a*
16 *smaller city, region, or State may exceed 80 percent: Pro-*
17 *vided further, That, of the amounts made available under*
18 *this section for a fiscal year, the Secretary may use an*
19 *amount not to exceed \$750,000,000 for the purpose of pay-*
20 *ing the subsidy and administrative costs of projects eligible*
21 *for Federal credit assistance under chapter 6 of title 23,*
22 *United States Code, if the Secretary finds that such use of*
23 *the funds would advance the purposes of this section.*

1 **Subtitle B—National Infrastructure**
2 **Bank**

3 **SEC. 911. FINDINGS.**

4 Congress finds the following:

5 (1) According to the American Society of Civil
6 Engineers, the current condition of the infrastruc-
7 ture in the United States earns a grade point aver-
8 age of D, and an estimated \$2,200,000,000,000 in-
9 vestment is needed over the next 5 years to meet
10 adequate conditions.

11 (2) According to the National Surface Trans-
12 portation Policy and Revenue Study Commission,
13 \$225,000,000,000 is needed annually from all
14 sources for the next 50 years to upgrade our surface
15 transportation system to a state of good repair and
16 create a more advanced system.

17 (3) According to the Federal Highway Adminis-
18 tration up to \$131,700,000,000 must be invested
19 annually for a 20-year period to improve bridge effi-
20 ciencies and the physical condition and operational
21 performance of the highway system of the United
22 States.

23 (4) According to the Federal Transit Adminis-
24 tration, up to \$21,800,000,000 must be invested an-
25 nually for a 20-year period to improve conditions

1 and performance of the major transit systems of the
2 United States.

3 (5) The Environmental Protection Agency
4 projects that—

5 (A) \$183,600,000,000 is needed for instal-
6 lation and maintenance of drinking water trans-
7 mission and distribution systems through 2022;
8 and

9 (B) \$202,500,000,000 is needed for pub-
10 licly owned wastewater systems-related infra-
11 structure needs through 2024.

12 (6) According to the Edison Electric Institute,
13 to maintain current levels of service given expected
14 growth in demand, electric utilities need to invest an
15 annual average of—

16 (A) \$28,000,000,000 for generation;

17 (B) \$12,000,000,000 for transmission; and

18 (C) \$34,000,000,000 for distribution of
19 electricity.

20 (7) According to the American Council on Re-
21 newable Energy, renewable energy could provide up
22 to 635 gigawatts of new electricity generating capac-
23 ity by 2025—a substantial contribution and poten-
24 tially more than the Nation's need for new capacity,

1 according to the United States Energy Information
2 Administration.

3 (8) According to the United States Green
4 Building Council, United States buildings account
5 for 38.9 percent of primary energy use, 38 percent
6 of carbon emissions, and 72 percent of electricity
7 consumption.

8 (9) There are over 1,200,000 units of public
9 housing nationwide, with an accumulated capital
10 needs backlog of approximately \$18,000,000,000,
11 with an additional \$2,000,000,000 accruing each
12 year.

13 (10) According to the Organization for Eco-
14 nomic Cooperation and Development (OECD), the
15 United States ranks 15th among OECD nations in
16 broadband access per 100 inhabitants.

17 (11) Although grant programs of the Govern-
18 ment must continue to play a central role in financ-
19 ing the transportation, environment, energy, and
20 telecommunications infrastructure needs of the
21 United States, current and foreseeable demands on
22 existing Federal, State, and local funding for infra-
23 structure expansion exceed the resources to support
24 these programs by margins wide enough to prompt
25 serious concerns about the United States' ability to

1 sustain long-term economic development, produc-
2 tivity, and international competitiveness.

3 (12) The capital markets, including central
4 banks, pension funds, financial institutions, sov-
5 ereign wealth funds and insurance companies, have
6 a growing interest in infrastructure investment. The
7 establishment of a United States Government-owned
8 institution that would provide this investment oppor-
9 tunity through high quality bond issues that would
10 be used to finance qualifying infrastructure projects
11 would attract needed capital for United States infra-
12 structure development.

13 **SEC. 912. DEFINITIONS.**

14 For purposes of this subtitle, the following definitions
15 shall apply, unless the context requires otherwise:

16 (1) **BANK.**—The term “Bank” means the Na-
17 tional Infrastructure Development Bank established
18 under section 913(a) of this subtitle.

19 (2) **BOARD.**—The term “Board” means the Na-
20 tional Infrastructure Development Bank Board.

21 (3) **CHIEF ASSET AND LIABILITY MANAGEMENT**
22 **OFFICER.**—The term “chief asset and liability man-
23 agement officer” means the chief individual respon-
24 sible for coordinating the management of assets and
25 liabilities of the Bank.

1 (4) CHIEF COMPLIANCE OFFICER.—The term
2 “chief compliance officer or CCO” means the chief
3 individual responsible for overseeing and managing
4 the compliance and regulatory affairs issues of the
5 Bank.

6 (5) CHIEF FINANCIAL OFFICER.—The term
7 “chief financial officer or CFO” means the chief in-
8 dividual responsible for managing the financial risks,
9 planning, and reporting of the Bank.

10 (6) CHIEF LOAN ORIGINATION OFFICER.—The
11 term “chief loan origination officer” means the chief
12 individual responsible for the processing of new
13 loans provided by the Bank.

14 (7) CHIEF OPERATIONS OFFICER.—The term
15 “chief operations officer or COO” means the chief
16 individual responsible for information technology and
17 the day to day operations of the Bank.

18 (8) CHIEF RISK OFFICER.—The term “chief
19 risk officer or CRO” means the chief individual re-
20 sponsible for managing operational and compliance-
21 related risks of the Bank.

22 (9) CHIEF TREASURY OFFICER.—The term
23 “chief treasury officer” means the chief individual
24 responsible for managing the Bank’s treasury oper-
25 ations.

1 (10) DEVELOPMENT.—The terms “develop-
2 ment” and “develop” mean, with respect to an infra-
3 structure project, any—

4 (A) preconstruction planning, feasibility re-
5 view, permitting, design work, and other
6 preconstruction activities; and

7 (B) construction, reconstruction, rehabili-
8 tation, replacement, or expansion.

9 (11) DISADVANTAGED COMMUNITY.—The term
10 “disadvantaged community” means a community
11 with a median household income of less than 80 per-
12 cent of the statewide median household income for
13 the State in which the community is located.

14 (12) ENERGY INFRASTRUCTURE PROJECT.—
15 The term “energy infrastructure project” means any
16 project for energy transmission, energy efficiency en-
17 hancement for buildings, public housing, and
18 schools, renewable energy, and energy storage.

19 (13) ENTITY.—The term “entity” means an in-
20 dividual, corporation, partnership (including a pub-
21 lic-private partnership), joint venture, trust, and a
22 State or other governmental entity, including a polit-
23 ical subdivision or any other instrumentality of a
24 State or a revolving fund.

1 (14) ENVIRONMENTAL INFRASTRUCTURE
2 PROJECT.—The term “environmental infrastructure
3 project” means any project for the establishment,
4 maintenance, or enhancement of any drinking water
5 and wastewater treatment facility, storm water man-
6 agement system, dam, levee, open space manage-
7 ment system, solid waste disposal facility, hazardous
8 waste facility, or industrial site cleanup.

9 (15) EXECUTIVE DIRECTOR.—The term “execu-
10 tive director” means the individual serving as the
11 chief executive officer of the Bank.

12 (16) GENERAL COUNSEL.—The term “general
13 counsel” means the individual who serves as the
14 chief lawyer for the Bank.

15 (17) INFRASTRUCTURE PROJECT.—The term
16 “infrastructure project” means any energy, environ-
17 mental, telecommunications, or transportation infra-
18 structure project.

19 (18) PUBLIC BENEFIT BOND.—The term “pub-
20 lic benefit bond” means a bond issued with respect
21 to an infrastructure project in accordance with this
22 subtitle if—

23 (A) the net spendable proceeds from the
24 sale of the issue may be used for expenditures

1 incurred after the date of issuance with respect
2 to the project, subject to the rules of the Bank;

3 (B) the bond issued by the Bank is in reg-
4 istered form and meets the requirements of this
5 subtitle and otherwise applicable law;

6 (C) the term of each bond which is part of
7 the issue is greater than 30 years; and

8 (D) the payment of principal with respect
9 to the bond is the obligation of the Bank.

10 (19) PUBLIC-PRIVATE PARTNERSHIP.—The
11 term “public-private partnership” means any enti-
12 ty—

13 (A)(i) which is undertaking the develop-
14 ment of all or part of an infrastructure project,
15 which will have a public benefit, pursuant to re-
16 quirements established in one or more contracts
17 between the entity and a State or an instru-
18 mentality of a State; or

19 (ii) the activities of which, with respect to
20 such an infrastructure project, are subject to
21 regulation by a State or any instrumentality of
22 a State; and

23 (B) which owns, leases, or operates, or will
24 own, lease, or operate, the project in whole or

1 in part, and at least one of the participants in
2 the entity is a nongovernmental entity.

3 (20) REVOLVING FUND.—The term “revolving
4 fund” means a fund or program established by a
5 State or a political subdivision or other instrumen-
6 tality of a State, the principal activity of which is to
7 make loans, commitments, or other financial accom-
8 modation available for the development of one or
9 more categories of infrastructure projects.

10 (21) SECRETARY.—The term “Secretary”
11 means the Secretary of the Treasury or the designee
12 of the Secretary.

13 (22) SMART GRID.—The term “smart grid”
14 means a system that provides for any of the smart
15 grid functions set forth in section 1306(d) of the
16 Energy Independence and Security Act of 2007 (42
17 U.S.C. 17386(d)).

18 (23) SMART GROWTH.—The term “smart
19 growth” means growth in the center of a city to
20 avoid urban sprawl.

21 (24) STATE.—The term “State” includes the
22 District of Columbia, Puerto Rico, Guam, American
23 Samoa, the Virgin Islands, the Commonwealth of
24 Northern Mariana Islands, and any other territory
25 of the United States.

1 (25) TELECOMMUNICATIONS INFRASTRUCTURE
2 PROJECT.—The term “telecommunications infra-
3 structure project” means any project involving infra-
4 structure required to provide communications by
5 wire or radio.

6 (26) TRANSPORTATION INFRASTRUCTURE
7 PROJECT.—The term “transportation infrastructure
8 project” means any project for the construction,
9 maintenance, or enhancement of highways, roads,
10 bridges, transit and intermodal systems, inland wa-
11 terways, commercial ports, airports, high speed rail
12 and freight rail systems.

13 **SEC. 913. ESTABLISHMENT OF NATIONAL INFRASTRUC-**
14 **TURE DEVELOPMENT BANK.**

15 (a) ESTABLISHMENT OF NATIONAL INFRASTRUC-
16 TURE DEVELOPMENT BANK.—The National Infrastruc-
17 ture Development Bank is established as a wholly owned
18 Government corporation subject to chapter 91 of title 31,
19 United States Code (commonly known as the “Govern-
20 ment Corporation Control Act”), except as otherwise pro-
21 vided in this subtitle.

22 (b) RESPONSIBILITY OF THE SECRETARY.—The Sec-
23 retary shall take such action as may be necessary to assist
24 in implementing the establishment of the Bank in accord-
25 ance with this subtitle.

1 (c) CONFORMING AMENDMENT.—Section 9101(3) of
2 title 31, United States Code, is amended by inserting after
3 subparagraph (N) the following:

4 “(O) the National Infrastructure Develop-
5 ment Bank.”.

6 **SEC. 914. BOARD OF DIRECTORS.**

7 (a) IN GENERAL.—The Bank shall have a Board of
8 Directors consisting of 5 members appointed by the Presi-
9 dent by and with the advice and consent of the Senate.

10 (b) QUALIFICATIONS.—The directors of the Board
11 shall include individuals representing different regions of
12 the United States and—

13 (1) 2 of the directors shall have public sector
14 experience; and

15 (2) 3 of the directors shall have private sector
16 experience.

17 (c) CHAIRPERSON AND VICE CHAIRPERSON.—As des-
18 ignated at the time of appointment, one of the directors
19 of the Board shall be designated chairperson of the Board
20 by the President and one shall be designated as vice chair-
21 person of the Board by the President.

22 (d) TERMS.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2) and subsection (f), each director shall be
25 appointed for a term of 6 years.

1 (2) INITIAL STAGGERED TERMS.—Of the initial
2 members of the Board—

3 (A) the chairperson and vice chairperson
4 shall be appointed for terms of 6 years;

5 (B) 1 shall be appointed for a term of 5
6 years;

7 (C) 1 shall be appointed for a term of 4
8 years; and

9 (D) 1 shall be appointed for a term of 3
10 years.

11 (e) DATE OF INITIAL NOMINATIONS.—The initial
12 nominations by the President for appointment of directors
13 to the Board shall be made not later than 60 days after
14 the date of enactment of this Act.

15 (f) VACANCIES.—

16 (1) IN GENERAL.—A vacancy on the Board
17 shall be filled in the manner in which the original
18 appointment was made.

19 (2) APPOINTMENT TO REPLACE DURING
20 TERM.—Any director appointed to fill a vacancy oc-
21 ccurring before the expiration of the term for which
22 the director's predecessor was appointed shall be ap-
23 pointed only for the remainder of the term.

1 (3) DURATION.—A director may serve after the
2 expiration of that director’s term until a successor
3 has taken office.

4 (g) QUORUM.—Three directors shall constitute a
5 quorum.

6 (h) REAPPOINTMENT.—A director of the Board ap-
7 pointed by the President may be reappointed by the Presi-
8 dent in accordance with this section.

9 (i) PER DIEM REIMBURSEMENT.—Directors of the
10 Board shall serve on a part-time basis and shall receive
11 a per diem when engaged in the actual performance of
12 Bank business, plus reasonable reimbursement for travel,
13 subsistence, and other necessary expenses incurred in the
14 performance of their duties.

15 (j) LIMITATIONS.—A director of the Board may not
16 participate in any review or decision affecting a project
17 under consideration for assistance under this subtitle if
18 the director has or is affiliated with a person who has an
19 interest in such project.

20 (k) POWERS AND LIMITATIONS OF THE BOARD.—

21 (1) POWERS.—In order to carry out the pur-
22 poses of the Bank as set forth in this subtitle, the
23 Board shall be responsible for monitoring and over-
24 seeing infrastructure projects and have the following
25 powers:

1 (A) To make senior and subordinated
2 loans and purchase senior and subordinated
3 debt securities and enter into a binding commit-
4 ment to make any such loan or purchase any
5 such security, on such terms as the Board may
6 determine, in the Board's discretion, to be ap-
7 propriate, the proceeds of which are to be used
8 to finance or refinance the development of one
9 or more infrastructure projects.

10 (B) To issue and sell debt securities of the
11 Bank on such terms as the Board shall deter-
12 mine from time to time.

13 (C) To issue public benefit bonds and to
14 provide direct subsidies to infrastructure
15 projects from amounts made available from the
16 issuance of such bonds.

17 (D) To make loan guarantees.

18 (E) To make agreements and contracts
19 with any entity in furtherance of the business
20 of the Bank.

21 (F) To borrow on the global capital market
22 and lend to regional, State, and local entities,
23 and commercial banks for the purpose of fund-
24 ing infrastructure projects.

1 (G) To purchase, pool, and sell infrastruc-
2 ture-related loans and securities on the global
3 capital market.

4 (H) To purchase in the open market any
5 of the Bank's outstanding obligations at any
6 time and at any price.

7 (I) To monitor and oversee infrastructure
8 projects financed, in whole or in part, by the
9 Bank.

10 (J) To acquire, lease, pledge, exchange,
11 and dispose of real and personal property and
12 otherwise exercise all the usual incidents of
13 ownership of property to the extent the exercise
14 of such powers are appropriate to and con-
15 sistent with the purposes of the Bank.

16 (K) To sue and be sued in the Bank's cor-
17 porate capacity in any court of competent juris-
18 diction, except that no attachment, injunction,
19 or similar process, may be issued against the
20 property of the Bank or against the Bank with
21 respect to such property.

22 (L) To indemnify the directors and officers
23 of the Bank for liabilities arising out of the ac-
24 tions of the directors and officers in such capac-

1 ity, in accordance with, and subject to the limi-
2 tations contained in, this subtitle.

3 (M) To serve as the primary liaison be-
4 tween the Bank, Congress, the executive
5 branch, and State and local governments and to
6 represent the Bank's interests.

7 (N) To exercise all other lawful powers
8 which are necessary or appropriate to carry out,
9 and are consistent with, the purposes of the
10 Bank.

11 (2) LIMITATIONS.—

12 (A) ISSUANCE OF DEBT SECURITY.—The
13 Board may not issue any debt security without
14 the prior consent of the Secretary.

15 (B) ISSUANCE OF VOTING SECURITY.—The
16 Board may not issue any voting security in the
17 Bank to any entity other than the Secretary.

18 (3) ACTIONS CONSISTENT WITH SELF-SUP-
19 PORTING ENTITY STATUS.—The Board shall conduct
20 its business in a manner consistent with the require-
21 ments of this section.

22 (4) COORDINATION WITH STATE AND LOCAL
23 REGULATORY AUTHORITY.—The provision of finan-
24 cial assistance by the Board pursuant to this subtitle
25 shall not be construed as—

1 (A) limiting the right of any State or polit-
2 ical subdivision or other instrumentality of a
3 State to approve or regulate rates of return on
4 private equity invested in a project; or

5 (B) otherwise superseding any State law or
6 regulation applicable to a project.

7 (5) FEDERAL PERSONNEL REQUESTS.—The
8 Board shall have the power to request the detail, on
9 a reimbursable basis, of personnel from other Fed-
10 eral agencies with specific expertise not available
11 from within the Bank or elsewhere. The head of any
12 Federal agency may detail, on a reimbursable basis,
13 any personnel of such agency requested by the
14 Board and shall not withhold unreasonably the de-
15 tail of any personnel requested by the Board.

16 (1) MEETINGS.—

17 (1) OPEN TO THE PUBLIC; NOTICE.—All meet-
18 ings of the Board held to conduct the business of the
19 Bank shall be open to the public and shall be pre-
20 ceded by reasonable notice.

21 (2) INITIAL MEETING.—The Board shall meet
22 not later than 90 days after the date on which all
23 directors of the Board are first appointed and other-
24 wise at the call of the Chairperson.

1 (3) EXCEPTION FOR CLOSED MEETINGS.—Pur-
2 suant to such rules as the Board may establish
3 through their bylaws, the directors may close a
4 meeting of the Board if, at the meeting, there is
5 likely to be disclosed information which could ad-
6 versely affect or lead to speculation relating to an in-
7 frastructure project under consideration for assist-
8 ance under this subtitle or in financial or securities
9 or commodities markets or institutions, utilities, or
10 real estate. The determination to close any meeting
11 of the Board shall be made in a meeting of the
12 Board, open to the public, and preceded by reason-
13 able notice. The Board shall prepare minutes of any
14 meeting which is closed to the public and make such
15 minutes available as soon as the considerations ne-
16 cessitating closing such meeting no longer apply.

17 **SEC. 915. EXECUTIVE COMMITTEE.**

18 (a) IN GENERAL.—The Board shall have an executive
19 committee consisting of 9 members, headed by the execu-
20 tive director of the Bank.

21 (b) EXECUTIVE DIRECTOR.—A majority of the Board
22 shall have the authority to appoint and reappoint the exec-
23 utive director.

24 (c) CEO.—The executive director shall be the chief
25 executive officer of the Bank, with such executive func-

1 tions, powers, and duties as may be prescribed by this sub-
2 title, the bylaws of the Bank, or the Board.

3 (d) OTHER EXECUTIVE OFFICERS.—The Board shall
4 appoint, remove, fix the compensation, and define duties
5 of 8 other executive officers to serve on the Executive
6 Committee as the—

- 7 (1) chief compliance officer;
- 8 (2) chief financial officer;
- 9 (3) chief asset and liability management officer;
- 10 (4) chief loan origination officer;
- 11 (5) chief operations officer;
- 12 (6) chief risk officer;
- 13 (7) chief treasury officer; and
- 14 (8) general counsel.

15 (e) QUALIFICATIONS.—The executive director and
16 other executive officers shall have demonstrated experience
17 and expertise in one or more of the following:

- 18 (1) Transportation infrastructure.
- 19 (2) Environmental infrastructure.
- 20 (3) Energy infrastructure.
- 21 (4) Telecommunications infrastructure.
- 22 (5) Economic development.
- 23 (6) Workforce development.
- 24 (7) Public health.
- 25 (8) Private or public finance.

1 (f) DUTIES.—In order to carry out the purposes of
2 the Bank as set forth in this subtitle, the executive com-
3 mittee shall—

4 (1) establish disclosure and application proce-
5 dures for entities nominating projects for assistance
6 under this subtitle;

7 (2) accept, for consideration, project proposals
8 relating to the development of infrastructure
9 projects, which meet the basic criteria established by
10 the Board, and which are submitted by an entity;

11 (3) provide recommendations to the Board and
12 place project proposals accepted by the executive
13 committee on a list for consideration for financial
14 assistance from the Board;

15 (4) provide technical assistance to entities re-
16 ceiving financing from the Bank and otherwise im-
17 plement decisions of the Board.

18 (g) VACANCY.—A vacancy in the position of executive
19 director shall be filled in the manner in which the original
20 appointment was made.

21 (h) COMPENSATION.—The compensation of the exec-
22 utive director and other executive officers of the executive
23 committee shall be determined by the Board.

1 (i) REMOVAL.—The executive director and other ex-
2 ecutive officers may be removed at the discretion of a ma-
3 jority of the Board.

4 (j) TERM.—The executive director and other execu-
5 tive officers shall serve a 6-year term and may be re-
6 appointed in accordance with this section.

7 (k) LIMITATIONS.—The executive director and other
8 executive officers shall not—

9 (1) hold any other public office;

10 (2) have any interest in an infrastructure
11 project considered by the Board;

12 (3) have any interest in an investment institu-
13 tion, commercial bank, or other entity seeking finan-
14 cial assistance for any infrastructure project from
15 the Bank; and

16 (4) have any such interest during the 2-year pe-
17 riod beginning on the date such officer ceases to
18 serve in such capacity.

19 **SEC. 916. RISK MANAGEMENT COMMITTEE.**

20 (a) ESTABLISHMENT OF RISK MANAGEMENT COM-
21 MITTEE.—The Bank shall establish a risk management
22 committee consisting of 5 members, headed by the chief
23 risk officer.

1 (b) APPOINTMENTS.—A majority of the Board shall
2 have the authority to appoint and reappoint the CRO of
3 the Bank.

4 (c) FUNCTIONS; DUTIES.—

5 (1) IN GENERAL.—The CRO shall have such
6 functions, powers, and duties as may be prescribed
7 by one or more of the following: this subtitle, the by-
8 laws of the Bank, and the Board. The CRO shall re-
9 port directly to the Board.

10 (2) RISK MANAGEMENT DUTIES.—In order to
11 carry out the purposes of this subtitle, the risk man-
12 agement committee shall—

13 (A) create financial, credit, and operational
14 risk management guidelines and policies to be
15 adhered to by the Bank;

16 (B) set guidelines to ensure diversification
17 of lending activities by both region and infra-
18 structure project type;

19 (C) create conforming standards for infra-
20 structure finance securities;

21 (D) monitor financial, credit and oper-
22 ational exposure of the Bank; and

23 (E) provide financial recommendations to
24 the Board.

1 (d) OTHER RISK MANAGEMENT OFFICERS.—The
2 Board shall appoint, remove, fix the compensation, and
3 define the duties of 4 other risk management officers to
4 serve on the risk management committee.

5 (e) QUALIFICATIONS.—The CRO and other risk man-
6 agement officers shall have demonstrated experience and
7 expertise in one or more of the following:

8 (1) Treasury and asset and liability manage-
9 ment.

10 (2) Investment regulations.

11 (3) Insurance.

12 (4) Credit risk management and credit evalua-
13 tions.

14 (5) Related disciplines.

15 (f) VACANCY.—A vacancy in the position of CRO or
16 any other risk management officer shall be filled in the
17 manner in which the original appointment was made.

18 (g) COMPENSATION.—The compensation of the CRO
19 and other risk management officers shall be determined
20 by the Board.

21 (h) REMOVAL.—The CRO and any other risk man-
22 agement officers may be removed at the discretion of a
23 majority of the Board.

1 (i) **TERM.**—The CRO and other risk management of-
2 ficers shall serve a 6-year term and may be reappointed
3 in accordance with this section.

4 (j) **LIMITATIONS.**—The CRO and other risk manage-
5 ment officers shall not—

6 (1) hold any other public office;

7 (2) have any interest in an infrastructure
8 project considered by the Board;

9 (3) have any interest in an investment institu-
10 tion, commercial bank, or other entity seeking finan-
11 cial assistance for any infrastructure project from
12 the Bank; and

13 (4) have any such interest during the 2-year pe-
14 riod beginning on the date such officer ceases to
15 serve in such capacity.

16 **SEC. 917. AUDIT COMMITTEE.**

17 (a) **IN GENERAL.**—The Bank shall have an audit
18 committee consisting of 5 members, headed by the chief
19 compliance officer of the Bank.

20 (b) **APPOINTMENTS.**—A majority of the Board shall
21 have the authority to appoint and reappoint the CCO of
22 the Bank.

23 (c) **FUNCTIONS; DUTIES.**—The CCO shall have such
24 functions, powers, and duties as may be prescribed by one
25 or more of the following: this subtitle, the bylaws of the

1 Bank, and the Board. The CCO shall report directly to
2 the Board.

3 (d) AUDIT DUTIES.—In order to carry out the pur-
4 poses of the Bank under this subtitle, the audit committee
5 shall—

6 (1) provide internal controls and internal audit-
7 ing activities for the Bank;

8 (2) maintain responsibility for the accounting
9 activities of the Bank;

10 (3) issue financial reports of the Bank; and

11 (4) complete reports with outside auditors and
12 public accountants appointed by the Board.

13 (e) OTHER AUDIT OFFICERS.—The Board shall ap-
14 point, remove, fix the compensation, and define the duties
15 of 4 other audit officers to serve on the audit committee.

16 (f) QUALIFICATIONS.—The CCO and other audit offi-
17 cers shall have demonstrated experience and expertise in
18 one or more of the following:

19 (1) Internal auditing.

20 (2) Internal investigations.

21 (3) Accounting practices.

22 (4) Financing practices.

23 (g) VACANCY.—A vacancy in the position of CCO or
24 any other audit officer shall be filled in the manner in
25 which the original appointment was made.

1 (h) COMPENSATION.—The compensation of the CCO
2 and other audit officers shall be determined by the Board.

3 (i) REMOVAL.—The CCO and other audit officers
4 may be removed at the discretion of a majority of the
5 Board.

6 (j) TERM.—The CCO and other audit officers shall
7 serve a 6-year term and may be reappointed in accordance
8 with this section.

9 (k) LIMITATIONS.—The CCO and other audit officers
10 shall not—

11 (1) hold any other public office;

12 (2) have any interest in an infrastructure
13 project considered by the Board;

14 (3) have any interest in an investment institu-
15 tion, commercial bank, or other entity seeking finan-
16 cial assistance for any infrastructure project from
17 the Bank; and

18 (4) have any such interest during the 2-year pe-
19 riod beginning on the date such officer ceases to
20 serve in such capacity.

21 **SEC. 918. PERSONNEL.**

22 The chairperson of the Board, executive director,
23 chief risk officer, and chief compliance officer shall ap-
24 point, remove, fix the compensation of, and define the du-
25 ties of such qualified personnel to serve under the Board,

1 executive committee, risk management committee, or
2 audit committee, as the case may be, as necessary and
3 prescribed by one or more of the following: this subtitle,
4 the bylaws of the Bank, and the Board.

5 **SEC. 919. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM**
6 **BANK.**

7 (a) IN GENERAL.—No financial assistance shall be
8 available under this subtitle from the Bank unless the ap-
9 plicant for such assistance has demonstrated to the satis-
10 faction of the Board that the project for which such assist-
11 ance is being sought meets—

12 (1) the requirements of this subtitle; and

13 (2) any criteria established in accordance with
14 this subtitle by the Board.

15 (b) ESTABLISHMENT OF PROJECT CRITERIA.—

16 (1) IN GENERAL.—Consistent with the require-
17 ments of subsections (c) and (d), the Board shall es-
18 tablish—

19 (A) criteria for determining eligibility for
20 financial assistance under this subtitle;

21 (B) disclosure and application procedures
22 to be followed by entities to nominate projects
23 for assistance under this subtitle; and

1 (C) such other criteria as the Board may
2 consider to be appropriate for purposes of car-
3 rying out this subtitle.

4 (2) FACTORS TO BE TAKEN INTO ACCOUNT.—

5 (A) IN GENERAL.—The Bank shall con-
6 duct an analysis that takes into account the
7 economic, environmental, social benefits, and
8 costs of each project under consideration for fi-
9 nancial assistance under this subtitle,
10 prioritizing projects that contribute to economic
11 growth, lead to job creation, and are of regional
12 or national significance.

13 (B) CRITERIA.—The criteria established
14 pursuant to paragraph (1)(A) shall provide for
15 the consideration of the following factors in
16 considering eligibility for financial assistance
17 under this subtitle:

18 (i) The means by which development
19 of the infrastructure project under consid-
20 eration is being financed, including—

21 (I) the terms and conditions and
22 financial structure of the proposed fi-
23 nancing; and

1 (II) the financial assumptions
2 and projections on which the project
3 is based.

4 (ii) The likelihood that the provision
5 of assistance by the Bank will cause such
6 development to proceed more promptly and
7 with lower costs for financing than would
8 be the case without such assistance.

9 (iii) The extent to which the provision
10 of assistance by the Bank maximizes the
11 level of private investment in the infra-
12 structure project while providing a public
13 benefit.

14 (c) FACTORS FOR SPECIFIC TYPES OF PROJECTS.—

15 (1) TRANSPORTATION INFRASTRUCTURE
16 PROJECTS.—For any transportation infrastructure
17 project, the Board shall consider the following:

18 (A) Job creation, including workforce de-
19 velopment for women and minorities, respon-
20 sible employment practices, and quality job
21 training opportunities.

22 (B) Reduction in carbon emissions.

23 (C) Reduction in surface and air traffic
24 congestion.

25 (D) Smart growth in urban areas.

1 (E) Poverty and inequality reduction
2 through targeted training and employment op-
3 portunities for low-income workers.

4 (F) Use of smart tolling, such as vehicle
5 miles traveled and congestion pricing, for high-
6 way, road, and bridge projects.

7 (G) Public health benefits.

8 (2) ENVIRONMENTAL INFRASTRUCTURE
9 PROJECT.—For any environmental infrastructure
10 project, the Board shall consider the following:

11 (A) Public health benefits.

12 (B) Pollution reductions.

13 (C) Job creation, including workforce de-
14 velopment for women and minorities, respon-
15 sible employment practices, and quality job
16 training opportunities.

17 (D) Poverty and inequality reduction
18 through targeted training and employment op-
19 portunities for low-income workers.

20 (3) ENERGY INFRASTRUCTURE PROJECT.—For
21 any energy infrastructure project, the Board shall
22 consider the following:

23 (A) Job creation, including workforce de-
24 velopment for women and minorities, respon-

1 sible employment practices, and quality job
2 training opportunities.

3 (B) Poverty and inequality reduction
4 through targeted training and employment op-
5 portunities for low-income workers.

6 (C) Reduction in carbon emissions.

7 (D) Smart growth in urban areas.

8 (E) Expanded use of renewable energy, in-
9 cluding hydroelectric, solar, and wind.

10 (F) Development of a smart grid.

11 (G) Energy efficient building, housing, and
12 school modernization.

13 (H) In any case in which the project is
14 also a public housing project—

15 (i) improvement of the physical shape
16 and layout;

17 (ii) environmental improvement; and

18 (iii) mobility improvements for resi-
19 dents.

20 (I) Public health benefits.

21 (4) TELECOMMUNICATIONS.—For any tele-
22 communications project, the Board shall consider
23 the following:

1 (A) The extent to which assistance ex-
2 pands or improves broadband and wireless serv-
3 ices in rural and disadvantaged communities.

4 (B) Poverty and inequality reduction
5 through targeted training and employment op-
6 portunities for low-income workers.

7 (C) Job creation, including work force de-
8 velopment for women and minorities, respon-
9 sible employment practices, and quality job
10 training opportunities.

11 (d) CONSIDERATION OF PROJECT PROPOSALS.—

12 (1) PARTICIPATION BY OTHER AGENCY PER-
13 SONNEL.—Consideration of projects by the executive
14 committee and the Board shall be conducted with
15 personnel on detail to the Bank from relevant Fed-
16 eral agencies from among individuals who are famil-
17 iar with and experienced in the selection criteria for
18 competitive projects.

19 (2) FEES.—A fee may be charged for the re-
20 view of any project proposal in such amount as
21 maybe considered appropriate by the executive com-
22 mittee to cover the cost of such review.

23 (e) DISCRETION OF BOARD.—Consistent with other
24 provisions of this subtitle, any determination of the Board
25 to provide assistance to any project, and the manner in

1 which such assistance is provided, including the terms,
2 conditions, fees, and charges shall be at the sole discretion
3 of the Board.

4 (f) STATE AND LOCAL PERMITS REQUIRED.—The
5 provision of assistance by the Board in accordance with
6 this subtitle shall not be deemed to relieve any recipient
7 of assistance or the related project of any obligation to
8 obtain required State and local permits and approvals.

9 (g) ANNUAL REPORT.—An entity receiving assistance
10 from the Board shall make annual reports to the Board
11 on the use of any such assistance, compliance with the
12 criteria set forth in this section, and a disclosure of all
13 entities with a development, ownership, or operational in-
14 terest in a project assisted or proposed to be assisted
15 under this subtitle.

16 **SEC. 920. EXEMPTION FROM LOCAL TAXATION.**

17 All notes, debentures, bonds or other such obligations
18 issued by the Bank, and the interest on or credits with
19 respect to such bonds or other obligations, shall not be
20 subject to taxation by any State, county, municipality, or
21 local taxing authority.

22 **SEC. 921. STATUS AND APPLICABILITY OF CERTAIN FED-**
23 **ERAL LAWS; FULL FAITH AND CREDIT.**

24 (a) BUDGETING AND AUDITORS PRACTICES.—The
25 Bank shall comply with all Federal laws regulating the

1 budgetary and auditing practices of a government corpora-
2 tion, except as otherwise provided in this subtitle.

3 (b) FULL FAITH AND CREDIT.—Any bond or other
4 obligation issued by the Bank under this subtitle shall be
5 an obligation supported by the full faith and credit of the
6 United States.

7 (c) EFFECT OF AND EXEMPTIONS FROM OTHER
8 LAWS.—

9 (1) EXEMPT SECURITIES.—All debt securities
10 and other obligations issued by the Bank pursuant
11 to this subtitle shall be deemed to be exempt securi-
12 ties within the meaning of laws administered by the
13 Securities and Exchange Commission to the same
14 extent as securities which are direct obligations of,
15 or obligations fully guaranteed as to principal or in-
16 terest by, the United States.

17 (2) OPEN MARKET OPERATIONS AND STATE
18 TAX EXEMPT STATUS.—The obligations of the Bank
19 shall be deemed to be obligations of the United
20 States for the purposes of the provision designated
21 as (b)(2) of the 2nd undesignated paragraph of sec-
22 tion 14 of the Federal Reserve Act (12 U.S.C. 355)
23 and section 3124 of title 31, United States Code.

24 (3) NO PRIORITY AS A FEDERAL CLAIM.—The
25 priority established in favor of the United States by

1 section 3713 of title 31, United States Code, shall
2 not apply with respect to any indebtedness of the
3 Bank.

4 (d) FEDERAL RESERVE BANKS AS DEPOSITORIES,
5 CUSTODIANS, AND FISCAL AGENTS.—The Federal reserve
6 banks may act as depositories for, or custodians or fiscal
7 agents of, the Bank.

8 (e) ACCESS TO BOOK-ENTRY SYSTEM.—The Sec-
9 retary may authorize the Bank to use the book-entry sys-
10 tem of the Federal reserve system.

11 **SEC. 922. COMPLIANCE WITH DAVIS-BACON ACT.**

12 All laborers and mechanics employed by contractors
13 and subcontractors on projects funded directly by or as-
14 sisted in whole or in part by and through the Bank pursu-
15 ant to this subtitle shall be paid wages at rates not less
16 than those prevailing on projects of a character similar
17 in the locality as determined by the Secretary of Labor
18 in accordance with subchapter IV of chapter 31 of part
19 A of title 40, United States Code. With respect to the
20 labor standards specified in this section, the Secretary of
21 Labor shall have the authority and functions set forth in
22 Reorganization Plan Numbered 14 of 1950 (64 Stat.
23 1267; 5 U.S.C. App.) and section 3145 of title 40, United
24 States Code.

1 **SEC. 923. APPLICABILITY OF CERTAIN STATE LAWS.**

2 The receipt by any entity of any assistance under this
3 subtitle, directly or indirectly, and any financial assistance
4 provided by any governmental entity in connection with
5 such assistance under this subtitle shall be valid and law-
6 ful notwithstanding any State or local restrictions regard-
7 ing extensions of credit or other benefits to private persons
8 or entities, or other similar restrictions.

9 **SEC. 924. AUDITS; REPORTS TO PRESIDENT AND CON-**
10 **GRESS.**

11 (a) ACCOUNTING.—The books of account of the Bank
12 shall be maintained in accordance with generally accepted
13 accounting principles and shall be subject to an annual
14 audit by independent public accountants appointed by the
15 Board and of nationally recognized standing.

16 (b) REPORTS.—

17 (1) BOARD.—The Board shall submit to the
18 President and Congress, within 90 days after the
19 last day of each fiscal year, a complete and detailed
20 report with respect to the preceding fiscal year, set-
21 ting forth—

22 (A) a summary of the Bank's operations,
23 for such preceding fiscal year;

24 (B) a schedule of the Bank's obligations
25 and capital securities outstanding at the end of
26 such preceding fiscal year, with a statement of

1 the amounts issued and redeemed or paid dur-
2 ing such preceding fiscal year; and

3 (C) the status of projects receiving funding
4 or other assistance pursuant to this subtitle, in-
5 cluding disclosure of all entities with a develop-
6 ment, ownership, or operational interest in such
7 projects.

8 (2) GAO.—Not later than 5 years after the
9 date of enactment of this Act, the Comptroller Gen-
10 eral of the United States shall submit to Congress
11 a report evaluating activities of the Bank for the fis-
12 cal years covered by the report that includes an as-
13 sessment of the impact and benefits of each funded
14 project, including a review of how effectively each
15 project accomplished the goals prioritized by the
16 Bank’s project criteria.

17 (c) BOOKS AND RECORDS.—

18 (1) IN GENERAL.—The Bank shall maintain
19 adequate books and records to support the financial
20 transactions of the Bank with a description of finan-
21 cial transactions and infrastructure projects receiv-
22 ing funding, and the amount of funding for each
23 project maintained on a publically accessible data-
24 base.

1 (2) AUDITS BY THE SECRETARY AND GAO.—
2 The books and records of the Bank shall be main-
3 tained in accordance with recommended accounting
4 practices and shall be open to inspection by the Sec-
5 retary and the Comptroller General of the United
6 States.

7 **SEC. 925. CAPITALIZATION OF BANK.**

8 (a) AUTHORIZATION OF APPROPRIATION.—Subject
9 to subsection (b), there is authorized to be appropriated
10 to the Secretary for purchase of the shares of the Bank
11 \$15,000,000,000 for each of fiscal years 2011 and 2012,
12 with the aggregate representing 10 percent of the total
13 subscribed capital of the Bank.

14 (b) RESERVATION FOR RURAL AREAS.—For each fis-
15 cal year, not less than 20 percent of any amounts appro-
16 priated to carry out this subtitle shall be used to finance
17 projects in rural areas.

18 (c) CALLABLE CAPITAL.—Of the total subscribed
19 capital of the Bank, 90 percent shall be callable capital
20 subject to call from the Secretary only as and when re-
21 quired by the Bank to meet its obligations on borrowing
22 of funds for inclusion in its ordinary capital resources or
23 guarantees chargeable to such resources.

1 (d) OUTSTANDING LOANS.—At any time, the aggre-
2 gate amount outstanding of bonds issued by the Bank
3 shall not exceed 250 percent of its total subscribed capital.

4 **SEC. 926. SUNSET.**

5 The Bank shall cease to exist 15 years after the date
6 of enactment of this Act.

7 **Subtitle C—Energy and Water**
8 **Programs**

9 **SEC. 931. ENERGY EFFICIENCY AND CONSERVATION BLOCK**
10 **GRANT PROGRAM.**

11 In addition to the amounts made available under sec-
12 tion 548(a)(1) of the Energy Independence and Security
13 Act of 2007 (42 U.S.C. 17158(a)(1)), there is authorized
14 to be appropriated to carry out the Energy Efficiency and
15 Conservation Block Grant Program established under
16 542(a) of that Act (42 U.S.C. 17152(a)) \$3,000,000,000
17 for each of fiscal years 2011 and 2012, to remain available
18 until expended.

19 **SEC. 932. STATE WATER POLLUTION CONTROL REVOLVING**
20 **FUNDS.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
22 to subsections (b) through (j), there is authorized to be
23 appropriated to carry out title VI of the Federal Water
24 Pollution Control Act (33 U.S.C. 1381 et seq.)

1 \$2,500,000,000 for each of fiscal years 2011 and 2012,
2 to remain available until expended.

3 (b) MANAGEMENT AND OVERSIGHT.—Of the
4 amounts made available under subsection (a), the Admin-
5 istrator of the Environmental Protection Agency (referred
6 to in this subtitle as the “Administrator”) may reserve
7 not more than 1 percent for management and oversight
8 purposes.

9 (c) NON-FEDERAL SHARE.—A capitalization grant
10 provided using the funds made available under subsection
11 (a) shall not be subject to the non-Federal share require-
12 ments of section 202 of the Federal Water Pollution Con-
13 trol Act (33 U.S.C. 1282) or paragraph (2) or (3) of sec-
14 tion 602(b) of that Act (33 U.S.C. 1382(b)).

15 (d) REALLOCATION.—The Administrator shall reallo-
16 cate the funds made available under subsection (a) for eli-
17 gible projects that are not under contract or construction
18 during the 1-year period beginning on the date of enact-
19 ment of this Act.

20 (e) PRIORITY.—Notwithstanding the priority
21 rankings a project would otherwise receive under the pro-
22 gram under title VI of the Federal Water Pollution Con-
23 trol Act (33 U.S.C. 1381 et seq.), priority for the funds
24 made available under subsection (a) shall be given to
25 projects that—

1 (1) are included on a State priority list; and

2 (2) are ready to proceed to construction during
3 the 1-year period beginning on the date of enact-
4 ment of this Act.

5 (f) FORMS OF ASSISTANCE.—Notwithstanding sec-
6 tion 603(d) of the Federal Water Pollution Control Act
7 (33 U.S.C. 1383(d)), of the amount of a capitalization
8 grant provided using the funds made available under sub-
9 section (a), a State shall use not less than 50 percent to
10 provide additional subsidization to eligible recipients in the
11 form of—

12 (1) forgiveness of principal;

13 (2) negative interest loans;

14 (3) grants; or

15 (4) any combination of those forms.

16 (g) GREEN ENERGY.—To the extent that sufficient
17 eligible project applications exist, not less than 20 percent
18 of the funds made available under subsection (a) shall be
19 used for projects to address—

20 (1) green infrastructure;

21 (2) water or energy efficiency improvements; or

22 (3) other environmentally innovative activities.

23 (h) INDIAN TRIBES.—

24 (1) IN GENERAL.—Notwithstanding the limita-
25 tion specified in subsection (c) of section 518 of the

1 Federal Water Pollution Control Act (33 U.S.C.
2 1377), the Administrator may reserve not more than
3 1.5 percent of the funds made available under sub-
4 section (a) for grants to Indian tribes under that
5 section.

6 (2) INDIAN HEALTH SERVICE.—Of the amount
7 reserved under paragraph (1), the Administrator
8 may transfer to the Indian Health Service not more
9 than 4 percent to support management and over-
10 sight of tribal projects.

11 (i) PROHIBITION.—No funds made available under
12 subsection (a) shall be available for the purchase of any
13 land or easement pursuant to section 603(c) of the Fed-
14 eral Water Pollution Control Act (33 U.S.C. 1383(c)).

15 (j) DEBT OBLIGATIONS.—Notwithstanding section
16 603(d)(2) of the Federal Water Pollution Control Act (33
17 U.S.C. 1383(d)(2)), the funds made available under sub-
18 section (a) may be used to purchase, refinance, or restruc-
19 ture the debt obligation of an eligible recipient only in a
20 case in which the debt obligation was incurred on or after
21 October 1, 2008.

22 **SEC. 933. STATE DRINKING WATER REVOLVING LOAN**
23 **FUNDS.**

24 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
25 to subsections (b) through (j), there is authorized to be

1 appropriated to carry out section 1452 of the Safe Drink-
2 ing Water Act (42 U.S.C. 300j-12) \$2,500,000,000 for
3 each of fiscal years 2011 and 2012, to remain available
4 until expended.

5 (b) MANAGEMENT AND OVERSIGHT.—Of the
6 amounts made available under subsection (a), the Admin-
7 istrator of the Environmental Protection Agency (referred
8 to in this subtitle as the “Administrator”) may reserve
9 not more than 1 percent for management and oversight
10 purposes.

11 (c) NON-FEDERAL SHARE.—A capitalization grant
12 provided using the funds made available under subsection
13 (a) shall not be subject to the non-Federal share require-
14 ments of section 1452(e) of the Safe Drinking Water Act
15 (42 U.S.C. 300j-12(e)).

16 (d) REALLOCATION.—The Administrator shall reallo-
17 cate the funds made available under subsection (a) for eli-
18 gible projects that are not under contract or construction
19 during the 1-year period beginning on the date of enact-
20 ment of this Act.

21 (e) PRIORITY.—Notwithstanding the priority
22 rankings a project would otherwise receive under the pro-
23 gram under section 1452 of the Safe Drinking Water Act
24 (42 U.S.C. 300j-12), priority for the funds made available
25 under subsection (a) shall be given to projects that—

1 (1) are included on a State priority list; and

2 (2) are ready to proceed to construction during
3 the 1-year period beginning on the date of enact-
4 ment of this Act.

5 (f) FORMS OF ASSISTANCE.—Notwithstanding sec-
6 tion 1452(f) of the Safe Drinking Water Act (42 U.S.C.
7 300j–12(f)), of the amount of a capitalization grant pro-
8 vided using the funds made available under subsection (a),
9 a State shall use not less than 50 percent to provide addi-
10 tional subsidization to eligible recipients in the form of—

11 (1) forgiveness of principal;

12 (2) negative interest loans;

13 (3) grants; or

14 (4) any combination of those forms.

15 (g) GREEN ENERGY.—To the extent that sufficient
16 eligible project applications exist, not less than 20 percent
17 of the funds made available under subsection (a) shall be
18 used for projects to address—

19 (1) green infrastructure;

20 (2) water or energy efficiency improvements; or

21 (3) other environmentally innovative activities.

22 (h) INDIAN HEALTH SERVICE.—Of the amounts
23 made available under subsection (a) that are reserved
24 under for allocation to Indian tribes and Alaska Native
25 villages under section 1452(i) of the Safe Drinking Water

1 Act (42 U.S.C. 300j–12(i)), the Administrator may trans-
2 fer to the Indian Health Service not more than 4 percent
3 to support management and oversight of tribal projects.

4 (i) PROHIBITION.—No funds made available under
5 subsection (a) shall be available for any activity authorized
6 under section 1452(k) of the Safe Drinking Water Act (42
7 U.S.C. 300j–12(k)).

8 (j) DEBT OBLIGATIONS.—Notwithstanding section
9 1452(f)(2) of the Safe Drinking Water Act (42 U.S.C.
10 300j–12(f)(2)), the funds made available under subsection
11 (a) may be used to purchase, refinance, or restructure the
12 debt obligation of an eligible recipient only in a case in
13 which the debt obligation was incurred on or after October
14 1, 2008.

15 **SEC. 934. STATE ENERGY CONSERVATION PLANS.**

16 There is authorized to be appropriated to the Sec-
17 retary of Energy to provide grants for State renewable en-
18 ergy and efficiency projects under part D of title III of
19 the Energy Policy and Conservation Act (42 U.S.C. 6321
20 et seq.) \$2,000,000,000 for each of fiscal years 2011 and
21 2012, to remain available until expended.

1 **SEC. 935. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT**
2 **OF RENEWABLE ENERGY AND ELECTRIC**
3 **POWER TRANSMISSION PROJECTS.**

4 There is authorized to be appropriated to the Sec-
5 retary of Energy to make loan guarantees under section
6 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516)
7 for renewable energy, biofuel, and electric grid projects
8 \$1,000,000,000 for each of fiscal years 2011 and 2012.

9 **SEC. 936. EXTENSION OF QUALIFYING ADVANCED ENERGY**
10 **PROJECT CREDIT.**

11 (a) IN GENERAL.—Section 48C of the Internal Rev-
12 enue Code of 1986 is amended—

13 (1) by striking “shall not exceed
14 \$2,300,000,000.” in subsection (d)(1)(B) and insert-
15 ing “shall not exceed—

16 “(i) \$2,300,000,000 in the case of
17 taxable years beginning during the 2-year
18 period beginning on the date the Secretary
19 establishes the program under this para-
20 graph,

21 “(ii) \$1,000,000,000 in the case of
22 taxable years beginning during the 1-year
23 period immediately following such 2-year
24 period, and

25 “(iii) \$1,000,000,000 in the case of
26 taxable years beginning during the 1-year

1 period immediately following the 1-year pe-
2 riod described in clause (ii).”, and

3 (2) by striking “2-year period” in subsection
4 (d)(2)(A) and inserting “4-year period”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 this section shall apply as if included in the amendments
7 made by section 1302 of the American Recovery and Rein-
8 vestment Tax Act of 2009.

9 **SEC. 937. LAND AND WATER CONSERVATION FUND.**

10 (a) PURPOSES.—The purposes of the amendments
11 made by subsection (b) are—

12 (1) to provide consistent and reliable authority
13 for, and for the funding of, the land and water con-
14 servation fund established under section 2 of the
15 Land and Water Conservation Fund Act of 1965
16 (16 U.S.C. 460l–5); and

17 (2) to maximize the effectiveness of the fund
18 for future generations.

19 (b) AMENDMENTS.—

20 (1) PERMANENT AUTHORIZATION.—Section 2
21 of the Land and Water Conservation Fund Act of
22 1965 (16 U.S.C. 460l–5) is amended—

23 (A) in the matter preceding subsection (a),
24 by striking “During the period ending Sep-

1 tember 30, 2015, there” and inserting “There”;
2 and

3 (B) in subsection (c)(1), by striking
4 “through September 30, 2015”.

5 (2) FULL FUNDING.—Section 3 of the Land
6 and Water Conservation Fund Act of 1965 (16
7 U.S.C. 4601–6) is amended to read as follows:

8 **“SEC. 3. AVAILABILITY OF FUNDS.**

9 “Monies covered into the fund under section 2 shall
10 be available for expenditure to carry out the purposes of
11 this Act, without further appropriation.”.

12 **SEC. 938. FLOOD CONTROL PROJECTS.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary of the
15 Army, acting through the Chief of Engineers, for the pur-
16 poses described in subsection (b), \$1,000,000,000 for each
17 of fiscal years 2011 and 2012.

18 (b) USE OF AMOUNTS.—

19 (1) IN GENERAL.—Subject to paragraph (2),
20 amounts appropriated under subsection (a) shall be
21 used to carry out Corps of Engineer projects relat-
22 ing to navigable channels, including projects that—

23 (A) reduce flood and storm damage;

24 (B) restore aquatic ecosystems; or

1 (C) relate to municipal water or waste-
2 water.

3 (2) ALLOCATION OF AMOUNTS.—For each
4 project funded under this section—

5 (A) 50 percent of the amount allocated to
6 carry out the project shall be used for construc-
7 tion; and

8 (B) 50 percent of the amount allocated to
9 carry out the project shall be used for oper-
10 ations and maintenance.

11 **Subtitle D—Housing Programs**

12 **SEC. 941. NATIONAL HOUSING TRUST FUND.**

13 There is appropriated, out of any money in the Treas-
14 ury not otherwise appropriated, for the Housing Trust
15 Fund established pursuant to section 1338 of the Federal
16 Housing Enterprises Financial Safety and Soundness Act
17 of 1992 (12 U.S.C. 4568), \$1,500,000,000 to the Sec-
18 retary of Housing and Urban Development to provide
19 grants to States to build, preserve, and rehabilitate rental
20 homes that are affordable for very low-income families:
21 Provided, That notwithstanding the limitations set forth
22 in subsection (c) of such section 1338, each State shall
23 be entitled to receive a minimum allocation of amounts
24 made available under this heading equal to the greater of

1 \$3,000,000 or 0.5 percent of the total amount of funds
2 made available in that fiscal year.

3 **SEC. 942. GREEN RETROFIT PROGRAM.**

4 There is appropriated, out of any money in the Treas-
5 ury not otherwise appropriated, for energy retrofit and
6 green investments under the grant program established
7 under the subheading “Assisted Housing Stability And
8 Energy And Green Retrofit Investments” under the head-
9 ing “Housing Programs” under title XII of division A of
10 the American Recovery and Reinvestment Act of 2009,
11 \$500,000,000: Provided, That in addition to the assisted
12 housing deemed eligible to receive grants under such head-
13 ing, that such grant amounts may be made available to
14 housing that is receiving or has received assistance pursu-
15 ant to the HOME Investment Partnerships program
16 under title II of the Cranston-Gonzalez National Afford-
17 able Housing Act (42 U.S.C. 12721 et seq.), the commu-
18 nity development block grant program under title I of the
19 Housing and Community Development Act of 1974 (42
20 U.S.C. 5301 et seq.), or the low-income housing tax credit
21 allocated pursuant to section 42 of the Internal Revenue
22 Code of 1986: Provided further, That grant amounts
23 made available under this heading shall be awarded on a
24 competitive basis nationwide: Provided further, That
25 grant amounts made available under this heading shall be

1 available for housing of not less than 20 units: Provided
2 further, That in allocating grants under this heading, the
3 Secretary of Housing and Urban Development shall (1)
4 ensure that such grants are made in a manner that bal-
5 ances the needs of rural and urban communities, and (2)
6 ensure an equitable geographic distribution of funds.

7 **TITLE X—BUDGETARY** 8 **PROVISIONS**

9 **SEC. 1001. DETERMINATION OF BUDGETARY EFFECTS.**

10 The budgetary effects of this Act, for the purpose of
11 complying with the Statutory Pay-As-You-Go Act of 2010,
12 shall be determined by reference to the latest statement
13 titled “Budgetary Effects of PAYGO Legislation” for this
14 Act, jointly submitted for printing in the Congressional
15 Record by the Chairmen of the House and Senate Budget
16 Committees, provided that such statement has been sub-
17 mitted prior to the vote on passage in the House acting
18 first on this conference report or amendment between the
19 Houses.

20 **SEC. 1002. EMERGENCY DESIGNATIONS.**

21 (a) STATUTORY PAYGO.—This Act is designated as
22 an emergency requirement pursuant to section 4(g) of the
23 Statutory Pay-As-You-Go Act of 2010 (Public Law 111–
24 139; 2 U.S.C. 933(g)) except to the extent that the budg-
25 etary effects of this Act are determined to be subject to

1 the current policy adjustments under sections 4(c) and 7
2 of the Statutory Pay-As-You-Go Act.

3 (b) SENATE.—In the Senate, this Act is designated
4 as an emergency requirement pursuant to section 403(a)
5 of S. Con. Res. 13 (111th Congress), the concurrent reso-
6 lution on the budget for fiscal year 2010.

7 (c) HOUSE OF REPRESENTATIVES.—In the House of
8 Representatives, every provision of this Act is expressly
9 designated as an emergency for purposes of pay-as-you-
10 go principles except to the extent that any such provision
11 is subject to the current policy adjustments under section
12 4(c) of the Statutory Pay-As-You-Go Act of 2010.

