

105TH CONGRESS
2^D SESSION

H. R. 4561

To amend the Internal Revenue Code of 1986 to provide that members of the uniformed services and the Foreign Service shall be treated as using a principal residence while on official extended duty.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1998

Mr. HOUGHTON introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide that members of the uniformed services and the Foreign Service shall be treated as using a principal residence while on official extended duty.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MEMBERS OF THE UNIFORMED SERVICES AND**
4 **THE FOREIGN SERVICE TREATED AS USING**
5 **PRINCIPAL RESIDENCE WHILE SERVING ON**
6 **OFFICIAL EXTENDED DUTY.**

7 (a) IN GENERAL.—Subsection (d) of section 121 of
8 the Internal Revenue Code (relating to special rules) is

1 amended by adding at the end the following new para-
2 graph:

3 “(9) DETERMINATION OF USE DURING PERIODS
4 OF OFFICIAL EXTENDED DUTY.—

5 “(A) IN GENERAL.—If—

6 “(i) a taxpayer uses property for at
7 least 180 days as the taxpayer’s principal
8 residence, and

9 “(ii) immediately thereafter, the tax-
10 payer or the taxpayer’s spouse serves on
11 official extended duty,

12 then the period during which the taxpayer re-
13 mains on official extended duty (and does not
14 use another principal residence owned by the
15 taxpayer or the taxpayer’s spouse) shall be
16 treated as use of the property as the taxpayer’s
17 principal residence.

18 “(B) OFFICIAL EXTENDED DUTY.—

19 “(i) IN GENERAL.—For purposes of
20 this paragraph, the term ‘official extended
21 duty’ means any period of active duty as a
22 member of the uniformed services or a
23 member of the Foreign Service during
24 which the member or member’s spouse
25 serves at a duty station which is at least

1 50 miles from the property referred to in
2 subparagraph (A)(i) or is under military
3 orders to reside in Government quarters.

4 “(ii) UNIFORMED SERVICES.—For
5 purposes of clause (i), the term ‘uniformed
6 services’ shall have the meaning given such
7 term by section 101(a)(5) of title 10,
8 United States Code, as in effect on the
9 date of the enactment of this paragraph.

10 “(iii) FOREIGN SERVICE OF THE
11 UNITED STATES.—For purposes of clause
12 (i), the term ‘member of the Foreign Serv-
13 ice’ has the meaning given the term ‘mem-
14 ber of the Service’ by paragraph (1), (2),
15 (3), (4), or (5) of section 103 of the For-
16 eign Service Act of 1980, as in effect on
17 the date of the enactment of this para-
18 graph.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall apply to sales or exchanges after May
21 6, 1997.

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