110TH CONGRESS 2D SESSION

H. R. 5140

To provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

IN THE HOUSE OF REPRESENTATIVES

January 28, 2008

Ms. Pelosi (for herself, Mr. Boehner, Mr. Hoyer, Mr. Blunt, Mr. Clyburn, Mr. Rangel, Mr. McCrery, Mr. Obey, Mr. Frank of Massachusetts, Mr. Bachus, Mr. Emanuel, Mr. Larson of Connecticut, Ms. Granger, Ms. Delauro, Mr. George Miller of California, and Mr. Becera) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

- 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. SHORT TITLE; TABLE OF CONTENTS.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "Recovery Rebates and Economic Stimulus for the Amer-
- 6 ican People Act of 2008".

- 1 (b) Table of Contents of
- 2 this Act is as follows:
 - Sec. 1. Short title; table of contents.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

- Sec. 101. 2008 recovery rebates for individuals.
- Sec. 102. Temporary increase in limitations on expensing of certain depreciable business assets.
- Sec. 103. Special allowance for certain property acquired during 2008.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

- Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.
- Sec. 202. Temporary loan limit increase for FHA.

3 TITLE I—RECOVERY REBATES

4 AND INCENTIVES FOR BUSI-

5 **NESS INVESTMENT**

- 6 SEC. 101, 2008 RECOVERY REBATES FOR INDIVIDUALS.
- 7 (a) IN GENERAL.—Section 6428 of the Internal Rev-
- 8 enue Code of 1986 is amended to read as follows:
- 9 "SEC. 6428. 2008 RECOVERY REBATES FOR INDIVIDUALS.
- 10 "(a) IN GENERAL.—In the case of an eligible indi-
- 11 vidual, there shall be allowed as a credit against the tax
- 12 imposed by subtitle A for the first taxable year beginning
- 13 in 2008 an amount equal to the lesser of—
- 14 "(1) net income tax liability, or
- 15 "(2) \$600 (\$1,200 in the case of a joint re-
- 16 turn).
- 17 "(b) Special Rules.—
- 18 "(1) IN GENERAL.—In the case of a taxpayer
- described in paragraph (2)—

1	"(A) the amount determined under sub-
2	section (a) shall not be less than \$300 (\$600 in
3	the case of a joint return), and
4	"(B) the amount determined under sub-
5	section (a) (after the application of subpara-
6	graph (A)) shall be increased by the product of
7	\$300 multiplied by the number of qualifying
8	children (within the meaning of section 24(c))
9	of the taxpayer.
10	"(2) Taxpayer described.—A taxpayer is de-
11	scribed in this paragraph if the taxpayer—
12	"(A) has earned income of at least \$3,000,
13	or
14	"(B) has—
15	"(i) net income tax liability which is
16	greater than zero, and
17	"(ii) gross income which is greater
18	than the sum of the basic standard deduc-
19	tion plus the exemption amount (twice the
20	exemption amount in the case of a joint re-
21	turn).
22	"(c) Treatment of Credit.—The credit allowed by
23	subsection (a) shall be treated as allowed by subpart C
24	of part IV of subchapter A of chapter 1.

1	"(d) Limitation Based on Adjusted Gross In-
2	COME.—The amount of the credit allowed by subsection
3	(a) (determined without regard to this subsection and sub-
4	section (f)) shall be reduced (but not below zero) by 5 per-
5	cent of so much of the taxpayer's adjusted gross income
6	as exceeds \$75,000 (\$150,000 in the case of a joint re-
7	turn).
8	"(e) Definitions.—For purposes of this section—
9	"(1) NET INCOME TAX LIABILITY.—The term
10	'net income tax liability' means the excess of—
11	"(A) the sum of the taxpayer's regular tax
12	liability (within the meaning of section 26(b))
13	and the tax imposed by section 55 for the tax-
14	able year, over
15	"(B) the credits allowed by part IV (other
16	than section 24 and subpart C thereof) of sub-
17	chapter A of chapter 1.
18	"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible
19	individual' means any individual other than—
20	"(A) any nonresident alien individual,
21	"(B) any individual with respect to whom
22	a deduction under section 151 is allowable to
23	another taxpayer for a taxable year beginning
24	in the calendar year in which the individual's
25	taxable year begins, and

1	"(C) an estate or trust.
2	"(3) Earned income.—The term 'earned in-
3	come' has the meaning set forth in section 32(c)(2)
4	except that—
5	"(A) subclause (II) of subparagraph
6	(B)(vi) thereof shall be applied by substituting
7	'January 1, 2009' for 'January 1, 2008', and
8	"(B) such term shall not include net earn-
9	ings from self-employment which are not taken
10	into account in computing taxable income.
11	"(4) Basic standard deduction; exemption
12	AMOUNT.—The terms 'basic standard deduction' and
13	'exemption amount' shall have the same respective
14	meanings as when used in section 6012(a).
15	"(f) Coordination With Advance Refunds of
16	Credit.—
17	"(1) In general.—The amount of credit
18	which would (but for this paragraph) be allowable
19	under this section shall be reduced (but not below
20	zero) by the aggregate refunds and credits made or
21	allowed to the taxpayer under subsection (g). Any
22	failure to so reduce the credit shall be treated as
23	arising out of a mathematical or clerical error and
24	assessed according to section 6213(b)(1).

1 "(2) JOINT RETURNS.—In the case of a refund 2 or credit made or allowed under subsection (g) with 3 respect to a joint return, half of such refund or cred-4 it shall be treated as having been made or allowed 5 to each individual filing such return.

"(g) ADVANCE REFUNDS AND CREDITS.—

- "(1) In GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.
- "(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.
- "(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.

1 "(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.".

(b) Treatment of Possessions.—

- (1) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.
- (2) Other possessions.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possessions

sion will promptly distribute such payment to the residents of such possession.

(3) Definitions and special rules.—

- (A) Possession of the United States.—For purposes of this subsection, the term "possession of the United States" includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.
- (B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.
- (C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as added by this section).

1	(c) Appropriations To Carry Out Recovery Re-
2	BATES.—
3	(1) In General.—The following sums are
4	hereby appropriated, out of any money in the Treas-
5	ury not otherwise appropriated, for the fiscal year
6	ending September 30, 2008, to implement the provi-
7	sions of this section (including the amendments
8	made by this section):
9	(A) For an additional amount for "Depart-
10	ment of the Treasury—Financial Management
11	Service—Salaries and Expenses', \$52,510,000
12	to remain available until September 30, 2009
13	(B) For an additional amount for "Depart-
14	ment of the Treasury—Internal Revenue Serv-
15	ice—Taxpayer Services", \$48,920,000, to re-
16	main available until September 30, 2009.
17	(C) For an additional amount for "Depart-
18	ment of the Treasury—Internal Revenue Serv-
19	ice—Operations Support", \$149,700,000, to re-
20	main available until September 30, 2009.
21	(2) Reports.—No later than 15 days after en-
22	actment of this Act, the Secretary of the Treasury
23	shall submit a plan to the Committees on Appropria-
24	tions of the House of Representatives and the Sen-

ate detailing the expected use of the funds provided

- 10 1 by this subsection. Beginning 90 days after enact-2 ment of this Act, the Secretary of the Treasury shall 3 submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds pro-6 vided by this subsection and the expected expendi-7 ture of such funds in the subsequent quarter. 8 (d) Conforming Amendments.— 9 (1) Paragraph (2) of section 1324(b) of title 10 31, United States Code, is amended by inserting "or 11 6428" after "section 35".
- 12 (2) Paragraph (1) of section 1(i) of the Internal 13 Revenue Code of 1986 is amended by striking sub-14 paragraph (D).
- 15 (3) The item relating to section 6428 in the 16 table of sections for subchapter B of chapter 65 of 17 such Code is amended to read as follows:

"Sec. 6428. 2008 recovery rebates for individuals.".

18 SEC. 102. TEMPORARY INCREASE IN LIMITATIONS ON EX-

19 PENSING OF CERTAIN DEPRECIABLE BUSI-

NESS ASSETS.

- 21 (a) In General.—Subsection (b) of section 179 of
- 22 the Internal Revenue Code of 1986 (relating to limita-
- 23 tions) is amended by adding at the end the following new
- 24 paragraph:

1	"(7) Increase in limitations for 2008.—In
2	the case of any taxable year beginning in 2008—
3	"(A) the dollar limitation under paragraph
4	(1) shall be \$250,000,
5	"(B) the dollar limitation under paragraph
6	(2) shall be \$800,000, and
7	"(C) the amounts described in subpara-
8	graphs (A) and (B) shall not be adjusted under
9	paragraph (5).".
10	(b) Effective Date.—The amendment made by
11	this section shall apply to taxable years beginning after
12	December 31, 2007.
13	SEC. 103. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY
13 14	SEC. 103. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2008.
14	ACQUIRED DURING 2008.
14 15	ACQUIRED DURING 2008. (a) In General.—Subsection (k) of section 168 of
14 15 16 17	ACQUIRED DURING 2008. (a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special al-
14 15 16 17	ACQUIRED DURING 2008. (a) In General.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10,
14 15 16 17	ACQUIRED DURING 2008. (a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended—
114 115 116 117 118	ACQUIRED DURING 2008. (a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended— (1) by striking "September 10, 2001" each
114 115 116 117 118 119 220	ACQUIRED DURING 2008. (a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended— (1) by striking "September 10, 2001" each place it appears and inserting "December 31,
14 15 16 17 18 19 20 21	ACQUIRED DURING 2008. (a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended— (1) by striking "September 10, 2001" each place it appears and inserting "December 31, 2007",
14 15 16 17 18 19 20 21	ACQUIRED DURING 2008. (a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended— (1) by striking "September 10, 2001" each place it appears and inserting "December 31, 2007", (2) by striking "September 11, 2001" each

(4) by striking "January 1, 2006" each place 1 2 it appears and inserting "January 1, 2010". 3 (b) 50 Percent Allowance.—Subparagraph (A) of section 168(k)(1) of such Code is amended by striking "30 4 percent" and inserting "50 percent". 5 6 (c) Conforming Amendments.— 7 (1) Subclause (I) of section 168(k)(2)(B)(i) of 8 such Code is amended by striking "and (iii)" and in-9 serting "(iii), and (iv)". (2) Subclause (IV) of section 168(k)(2)(B)(i) of 10 11 such Code is amended by striking "clauses (ii) and 12 (iii)" and inserting "clause (iii)". 13 (3) Clause (i) of section 168(k)(2)(C) of such 14 Code is amended by striking "and (iii)" and insert-15 ing ", (iii), and (iv)". 16 (4) Clause (i) of section 168(k)(2)(F) of such 17 Code is amended by striking "\$4,600" and inserting 18 "\$8,000". 19 (5)(A) Subsection (k) of section 168 of such 20 Code is amended by striking paragraph (4). 21 (B) Clause (iii) of section 168(k)(2)(D) of such 22 Code is amended by striking the last sentence. 23 (6) Paragraph (4) of section 168(1) of such 24 Code is amended by redesignating subparagraphs 25 (A), (B), and (C) as subparagraphs (B), (C), and

1	(D) and inserting before subparagraph (B) (as so
2	redesignated) the following new subparagraph:
3	"(A) Bonus depreciation property
4	UNDER SUBSECTION (K).—Such term shall not
5	include any property to which section 168(k)
6	applies.".
7	(7) Paragraph (5) of section 168(l) of such
8	Code is amended—
9	(A) by striking "September 10, 2001" in
10	subparagraph (A) and inserting "December 31,
11	2007", and
12	(B) by striking "January 1, 2005" in sub-
13	paragraph (B) and inserting "January 1,
14	2009".
15	(8) Subparagraph (D) of section 1400L(b)(2)
16	of such Code is amended by striking "January 1,
17	2005" and inserting "January 1, 2010".
18	(9) Paragraph (3) of section 1400N(d) of such
19	Code is amended—
20	(A) by striking "September 10, 2001" in
21	subparagraph (A) and inserting "December 31,
22	2007", and
23	(B) by striking "January 1, 2005" in sub-
24	paragraph (B) and inserting "January 1,
25	2009".

1	(10) Paragraph (6) of section 1400N(d) of such
2	Code is amended by adding at the end the following
3	new subparagraph:
4	"(E) Exception for bonus deprecia-
5	TION PROPERTY UNDER SECTION 168(k).—The
6	term 'specified Gulf Opportunity Zone extension
7	property' shall not include any property to
8	which section 168(k) applies.".
9	(11) The heading for subsection (k) of section
10	168 of such Code is amended—
11	(A) by striking "September 10, 2001"
12	and inserting "December 31, 2007", and
13	(B) by striking "January 1, 2005" and
14	inserting "January 1, 2009".
15	(12) The heading for clause (ii) of section
16	168(k)(2)(B) of such Code is amended by striking
17	"PRE-JANUARY 1, 2005" and inserting "PRE-JANU-
18	ARY 1, 2009".
19	(d) Effective Date.—The amendments made by
20	this section shall apply to property placed in service after
21	December 31, 2007, in taxable years ending after such
22	date.

TITLE II—HOUSING GSE AND 1 **FHA LOAN LIMITS** 2 SEC. 201. TEMPORARY CONFORMING LOAN LIMIT IN-4 CREASE FOR FANNIE MAE AND FREDDIE 5 MAC. 6 (a) Increase of High Cost Areas Limits for 7 Housing GSEs.—For mortgages originated during the 8 period beginning on July 1, 2007, and ending at the end 9 of December 31, 2008: 10 (1) Fannie Mae.—With respect to the Federal 11 National Mortgage Association, notwithstanding sec-12 tion 302(b)(2) of the Federal National Mortgage As-13 sociation Charter Act (12 U.S.C. 1717(b)(2)), the 14 limitation on the maximum original principal obliga-15 tion of a mortgage that may be purchased by the 16 Association shall be the higher of— 17 (A) the limitation for 2008 determined under such section 302(b)(2) for a residence of 18 19 the applicable size; or 20 (B) 125 percent of the area median price 21 for a residence of the applicable size, but in no 22 case to exceed 175 percent of the limitation for 23 2008 determined under such section 302(b)(2) 24 for a residence of the applicable size.

- 1 (2) Frederick Mac.—With respect to the Fed-2 eral Home Loan Mortgage Corporation, notwith-3 standing section 305(a)(2) of the Federal Home 4 Loan Mortgage Corporation Act (12)U.S.C. 5 1454(a)(2), the limitation on the maximum original 6 principal obligation of a mortgage that may be pur-7 chased by the Corporation shall be the higher of—
- 8 (A) the limitation determined for 2008 9 under such section 305(a)(2) for a residence of 10 the applicable size; or
 - (B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.
- 16 (b) Determination of Limits.—The areas and 17 area median prices used for purposes of the determina18 tions under subsection (a) shall be the areas and area me19 dian prices used by the Secretary of Housing and Urban
 20 Development in determining the applicable limits under section 202 of this title.
- 22 (c) RULE OF CONSTRUCTION.—A mortgage origi-23 nated during the period referred to in subsection (a) that 24 is eligible for purchase by the Federal National Mortgage 25 Association or the Federal Home Loan Mortgage Corpora-

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- 1 tion pursuant to this section shall be eligible for such pur-
- 2 chase for the duration of the term of the mortgage, not-
- 3 withstanding that such purchase occurs after the expira-
- 4 tion of such period.
- 5 (d) Effect on Housing Goals.—Notwithstanding
- 6 any other provision of law, mortgages purchased in ac-
- 7 cordance with the increased maximum original principal
- 8 obligation limitations determined pursuant to this section
- 9 shall not be considered in determining performance with
- 10 respect to any of the housing goals established under sec-
- 11 tion 1332, 1333, or 1334 of the Housing and Community
- 12 Development Act of 1992 (12 U.S.C. 4562–4), and shall
- 13 not be considered in determining compliance with such
- 14 goals pursuant to section 1336 of such Act (12 U.S.C.
- 15 4566) and regulations, orders, or guidelines issued there-
- 16 under.
- 17 (e) Sense of Congress.—It is the sense of the Con-
- 18 gress that the securitization of mortgages by the Federal
- 19 National Mortgage Association and the Federal Home
- 20 Loan Mortgage Corporation plays an important role in
- 21 providing liquidity to the United States housing markets.
- 22 Therefore, the Congress encourages the Federal National
- 23 Mortgage Association and the Federal Home Loan Mort-
- 24 gage Corporation to securitize mortgages acquired under
- 25 the increased conforming loan limits established in this

- 1 section, to the extent that such securitizations can be ef-
- 2 fected in a timely and efficient manner that does not im-
- 3 pose additional costs for mortgages originated, purchased,
- 4 or securitized under the existing limits or interfere with
- 5 the goal of adding liquidity to the market.

6 SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.

- 7 (a) Increase of High-Cost Area Limit.—For
- 8 mortgages for which the mortgagee has issued credit ap-
- 9 proval for the borrower on or before December 31, 2008,
- 10 subparagraph (A) of section 203(b)(2) of the National
- 11 Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be consid-
- 12 ered (except for purposes of section 255(g) of such Act
- 13 (12 U.S.C. 1715z–20(g))) to require that a mortgage shall
- 14 involve a principal obligation in an amount that does not
- 15 exceed the lesser of—
- 16 (1) in the case of a 1-family residence, 125 per-
- cent of the median 1-family house price in the area,
- as determined by the Secretary; and in the case of
- a 2-, 3-, or 4-family residence, the percentage of
- such median price that bears the same ratio to such
- 21 median price as the dollar amount limitation deter-
- 22 mined for 2008 under section 305(a)(2) of the Fed-
- eral Home Loan Mortgage Corporation Act (12
- 24 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family resi-
- dence, respectively, bears to the dollar amount limi-

- tation determined for 2008 under such section for a
 1-family residence; or
- 3 (2) 175 percent of the dollar amount limitation
- 4 determined for 2008 under such section 305(a)(2)
- 5 for a residence of the applicable size (without regard
- 6 to any authority to increase such limitation with re-
- 7 spect to properties located in Alaska, Guam, Hawaii,
- 8 or the Virgin Islands);
- 9 except that the dollar amount limitation in effect under
- 10 this subsection for any size residence for any area shall
- 11 not be less than the greater of (A) the dollar amount limi-
- 12 tation in effect under such section 203(b)(2) for the area
- 13 on October 21, 1998; or (B) 65 percent of the dollar
- 14 amount limitation determined for 2008 under such section
- 15 305(a)(2) for a residence of the applicable size. Any ref-
- 16 erence in this subsection to dollar amount limitations in
- 17 effect under section 305 (a)(2) of the Federal Home Loan
- 18 Mortgage Corporation Act means such limitations as in
- 19 effect without regard to any increase in such limitation
- 20 pursuant to section 201 of this title.
- 21 (b) DISCRETIONARY AUTHORITY.—If the Secretary
- 22 of Housing and Urban Development determines that mar-
- 23 ket conditions warrant such an increase, the Secretary
- 24 may, for the period that begins upon the date of the enact-
- 25 ment of this Act and ends at the end of the date specified

- 1 in subsection (a), increase the maximum dollar amount
- 2 limitation determined pursuant to subsection (a) with re-
- 3 spect to any particular size or sizes of residences, or with
- 4 respect to residences located in any particular area or
- 5 areas, to an amount that does not exceed the maximum
- 6 dollar amount then otherwise in effect pursuant to sub-
- 7 section (a) for such size residence, or for such area (if
- 8 applicable), by not more than \$100,000.
- 9 (c) Publication of Area Median Prices and
- 10 Loan Limits.—The Secretary of Housing and Urban De-
- 11 velopment shall publish the median house prices and mort-
- 12 gage principal obligation limits, as revised pursuant to this
- 13 section, for all areas as soon as practicable, but in no case
- 14 more than 30 days after the date of the enactment of this
- 15 Act. With respect to existing areas for which the Secretary
- 16 has not established area median prices before such date
- 17 of enactment, the Secretary may rely on existing commer-
- 18 cial data in determining area median prices and calcu-
- 19 lating such revised principal obligation limits.

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