

111TH CONGRESS
1ST SESSION

H. R. 2398

To amend the Internal Revenue Code of 1986 to waive recapture of the first-time homebuyer credit for a member of the Armed Forces who sells the residence for which the member receives the credit during the 36-month period after the purchase of the residence because the member is transferred to a new duty station, is deployed overseas, or is required to reside in Government quarters during such period.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2009

Mr. JONES 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 waive recapture of the first-time homebuyer credit for a member of the Armed Forces who sells the residence for which the member receives the credit during the 36-month period after the purchase of the residence because the member is transferred to a new duty station, is deployed overseas, or is required to reside in Government quarters during such period.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Service Members First-
3 Time Homebuyer Relief Act of 2009”.

4 **SEC. 2. WAIVER OF RECAPTURE OF FIRST-TIME HOME-**
5 **BUYER CREDIT FOR MEMBERS OF THE**
6 **ARMED FORCES TRANSFERRED TO DIF-**
7 **FERENT DUTY STATIONS OR DEPLOYED**
8 **OVERSEAS.**

9 (a) IN GENERAL.—Paragraph (4) of section 36(f) of
10 the Internal Revenue Code of 1986 is amended by adding
11 at the end the following new subparagraph:

12 “(E) SPECIAL RULE FOR MEMBERS OF
13 ARMED FORCES.—In the case of a member of
14 the Armed Forces of the United States, sub-
15 paragraph (D) shall be applied without regard
16 to clause (ii) thereof if, after the date of the
17 purchase of the principal residence described
18 therein, such member receives Government or-
19 ders for service on qualified official extended
20 duty (as defined in section 121(d)(9)(C)) under
21 which such member is required to deploy out-
22 side the United States, make a permanent or
23 temporary change of station to a duty station
24 that is at least 50 miles from such residence, or
25 reside in Government quarters. This subpara-
26 graph applies regardless of whether the Govern-

1 ment orders provide for the return of the mem-
2 ber to the original duty station at the end of
3 the deployment or temporary duty.”.

4 (b) **EFFECTIVE DATE.**—The amendment made by
5 subsection (a) shall take effect as if included in the
6 amendments made by section 1006 of the American Re-
7 covery and Reinvestment Tax Act of 2009.

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