

115TH CONGRESS
1ST SESSION

H. R. 3679

To amend the Internal Revenue Code of 1986 to provide tax relief for major disasters declared in any of calendar years 2012 through 2015, to make certain tax relief provisions permanent, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2017

Mr. REED (for himself and Mr. PASCRELL) 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 tax relief for major disasters declared in any of calendar years 2012 through 2015, to make certain tax relief provisions permanent, and for other purposes.

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 “National Disaster Tax Relief Act of 2017”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TAX RELIEF RELATING TO DISASTERS IN 2012, 2013,
2014, AND 2015

- Sec. 101. Expensing of qualified disaster expenses.
- Sec. 102. Increased limitation on charitable contributions for disaster relief.
- Sec. 103. Losses attributable to disasters in 2012, 2013, 2014, and 2015.
- Sec. 104. Net operating losses attributable to disasters in 2012, 2013, 2014, and 2015.
- Sec. 105. Waiver of certain mortgage revenue bond requirements following 2012, 2013, 2014, and 2015 disasters.
- Sec. 106. Increased expensing and bonus depreciation for qualified disaster assistance property following 2012, 2013, 2014, and 2015 disasters.
- Sec. 107. Increase in new markets tax credit for investments in community development entities serving 2012, 2013, 2014, and 2015 disaster areas.
- Sec. 108. Special rules for use of retirement funds in connection with federally declared disasters in 2012, 2013, 2014, and 2015.
- Sec. 109. Additional exemption for housing qualified disaster displaced individuals.
- Sec. 110. Exclusions of certain cancellations of indebtedness by reason of 2012, 2013, 2014, and 2015 disasters.
- Sec. 111. Special rule for determining earned income of individuals affected by federally declared disasters.
- Sec. 112. Increase in rehabilitation credit for buildings in 2012, 2013, 2014, and 2015 disaster areas.
- Sec. 113. Advanced refundings of certain tax-exempt bonds.
- Sec. 114. Qualified disaster area recovery bonds.
- Sec. 115. Additional low-income housing credit allocations.
- Sec. 116. Facilitation of transfer of water leasing and water by mutual ditch or irrigation companies in disaster areas.

TITLE II—OTHER DISASTER TAX RELIEF PROVISIONS

- Sec. 201. Exclusion for disaster mitigation payments received from State and local governments.
- Sec. 202. Natural disaster funds.

TITLE III—PERMANENT DISASTER TAX RELIEF PROVISIONS

- Sec. 301. Increase property replacement period to 5 years.
- Sec. 302. Wage credit for specified disaster-damaged businesses.
- Sec. 303. Disaster-related medical expenses.
- Sec. 304. Expensing of qualified disaster expenses.
- Sec. 305. Losses attributable to disasters.
- Sec. 306. Net operating losses attributable to disasters.
- Sec. 307. Special rules for use of retirement funds in connection with federally declared disasters.
- Sec. 308. Additional exemption for housing qualified disaster displaced individuals.
- Sec. 309. Exclusions of certain cancellations of indebtedness by reason of disasters.
- Sec. 310. Special rule for determining earned income of individuals affected by federally declared disasters.
- Sec. 311. Qualified disaster area recovery bonds.
- Sec. 312. Additional low-income housing credit allocations.

1 **TITLE I—TAX RELIEF RELATING**
2 **TO DISASTERS IN 2012, 2013,**
3 **2014, AND 2015**

4 **SEC. 101. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

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

8 **“SEC. 198A. EXPENSING OF QUALIFIED DISASTER EX-**
9 **PENSES.**

10 “(a) IN GENERAL.—A taxpayer may elect to treat
11 any qualified disaster expenses which are paid or incurred
12 by the taxpayer as an expense which is not chargeable to
13 capital account. Any expense which is so treated shall be
14 allowed as a deduction for the taxable year in which it
15 is paid or incurred.

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

19 “(1) which is paid or incurred in connection
20 with a trade or business or with business-related
21 property,

22 “(2) which is—

23 “(A) for the abatement or control of haz-
24 arduous substances that were released on ac-

1 count of a federally declared disaster occurring
 2 during the period beginning—

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

5 “(ii) after December 31, 2011, and
 6 before January 1, 2016,

7 “(B) for the removal of debris from, or the
 8 demolition of structures on, real property which
 9 is business-related property damaged or de-
 10 stroyed as a result of a federally declared dis-
 11 aster occurring during any such period, or

12 “(C) for the repair of business-related
 13 property damaged as a result of a federally de-
 14 clared disaster occurring during any such pe-
 15 riod, and

16 “(3) which is otherwise chargeable to capital ac-
 17 count.

18 “(c) OTHER DEFINITIONS.—For purposes of this
 19 section—

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

22 “(A) held by the taxpayer for use in a
 23 trade or business or for the production of in-
 24 come, or

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

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

6 “(d) DEDUCTION RECAPTURED AS ORDINARY IN-
7 COME ON SALE, ETC.—Solely for purposes of section
8 1245, in the case of property to which a qualified disaster
9 expense would have been capitalized but for this section—

10 “(1) the deduction allowed by this section for
11 such expense shall be treated as a deduction for de-
12 preciation, and

13 “(2) such property (if not otherwise section
14 1245 property) shall be treated as section 1245
15 property solely for purposes of applying section 1245
16 to such deduction.

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

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

23 (b) CLERICAL AMENDMENT.—The table of sections
24 for part VI of subchapter B of chapter 1 of the Internal

1 Revenue Code of 1986 is amended by inserting after the
 2 item relating to section 198 the following item:

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

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

7 **SEC. 102. INCREASED LIMITATION ON CHARITABLE CON-**
 8 **TRIBUTIONS FOR DISASTER RELIEF.**

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

14 “(F) QUALIFIED DISASTER CONTRIBU-
 15 TIONS.—

16 “(i) IN GENERAL.—Any qualified dis-
 17 aster contribution shall be allowed to the
 18 extent that the aggregate of such contribu-
 19 tions does not exceed the excess of 80 per-
 20 cent of the taxpayer’s contribution base
 21 over the amount of all other charitable
 22 contributions allowable under this para-
 23 graph.

24 “(ii) CARRYOVER.—If the aggregate
 25 amount of contributions described in clause

(i) exceeds the limitation under clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

“(iii) COORDINATION WITH OTHER SUBPARAGRAPHS.—For purposes of applying this subsection and subsection (d)(1), contributions described in clause (i) shall not be treated as described in subparagraph (A) and such subparagraph shall be applied without regard to such contributions.

“(iv) QUALIFIED DISASTER CONTRIBUTIONS.—For purposes of this subparagraph, the term ‘qualified disaster contribution’ means any charitable contribution if—

“(I) such contribution is for relief efforts related to a federally declared disaster (as defined in section 165(h)(3)(C)(i)),

“(II) such contribution is made during the period beginning on the

1 applicable disaster date with respect
2 to the disaster described in subclause
3 (I) and ending on December 31,
4 2015, and

5 “(III) such contribution is made
6 in cash to an organization described
7 in subparagraph (A) (other than an
8 organization described in section
9 509(a)(3)).

10 Such term shall not include a contribution
11 if the contribution is for establishment of
12 a new, or maintenance in an existing,
13 donor advised fund (as defined in section
14 4966(d)(2)).

15 “(v) APPLICABLE DISASTER DATE.—
16 For purposes of clause (iv)(II), the term
17 ‘applicable disaster date’ means, with re-
18 spect to any federally declared disaster de-
19 scribed in clause (iv)(I), the date on which
20 the disaster giving rise to the Presidential
21 declaration described in section
22 165(i)(5)(A) occurred.

23 “(vi) SUBSTANTIATION REQUIRE-
24 MENT.—This paragraph shall not apply to
25 any qualified disaster contribution unless

the taxpayer obtains from such organization to which the contribution was made a contemporaneous written acknowledgment (within the meaning of subsection (f)(8)) that such contribution was used (or is to be used) for a purpose described in clause (iv)(III).”.

(b) CORPORATIONS.—

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

“(C) QUALIFIED DISASTER CONTRIBUTIONS.—

“(i) IN GENERAL.—Any qualified disaster contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the excess of 20 percent of the taxpayer’s taxable income over the amount of charitable contributions allowed under subparagraph (A).

“(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation under clause (i),

1 such excess shall be treated (in a manner
 2 consistent with the rules of subsection
 3 (d)(1)) as a charitable contribution to
 4 which clause (i) applies in each of the 5
 5 succeeding years in order of time.

6 “(iii) QUALIFIED DISASTER CON-
 7 TRIBUTION.—The term ‘qualified disaster
 8 contribution’ has the meaning given such
 9 term under paragraph (2)(F)(iv).

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

20 (2) CONFORMING AMENDMENTS.—

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

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

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

8 **SEC. 103. LOSSES ATTRIBUTABLE TO DISASTERS IN 2012,**
 9 **2013, 2014, AND 2015.**

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

14 “(3) SPECIAL RULE FOR LOSSES IN FEDERALLY
 15 DECLARED DISASTERS.—

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

20 “(i) such net disaster loss, and

21 “(ii) so much of the excess referred to
 22 in the matter preceding clause (i) of para-
 23 graph (2)(A) (reduced by the amount in
 24 clause (i) of this subparagraph) as exceeds

1 10 percent of the adjusted gross income of
2 the individual.

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

6 “(i) the personal casualty losses—

7 “(I) attributable to a federally
8 declared disaster occurring during the
9 period beginning after December 31,
10 2007, and before January 1, 2010, or
11 during the period beginning after De-
12 cember 31, 2011, and before January
13 1, 2016, and

14 “(II) occurring in a disaster
15 area, over

16 “(ii) personal casualty gains.

17 “(C) FEDERALLY DECLARED DISASTER.—

18 For purposes of this paragraph—

19 “(i) FEDERALLY DECLARED DIS-
20 ASTER.—The term ‘federally declared dis-
21 aster’ has the meaning given such term by
22 subsection (i)(5)(A).

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

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

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

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

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

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

17 (f) USE OF AMENDED INCOME TAX RETURNS TO
 18 TAKE INTO ACCOUNT RECEIPT OF CERTAIN CASUALTY
 19 LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN
 20 CASUALTY LOSS DEDUCTIONS.—

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

24 (A) claims a deduction for any taxable year
 25 with respect to a casualty loss to a principal

1 residence (within the meaning of section 121 of
2 such Code) resulting from any federally de-
3 clared disaster (as defined in section
4 165(h)(3)(C) of such Code) occurring during
5 the period beginning after December 31, 2011,
6 and before January 1, 2016, and

7 (B) in a subsequent taxable year receives
8 a grant under any Federal or State program as
9 reimbursement for such loss,

10 such taxpayer may elect to file an amended income
11 tax return for the taxable year in which such deduc-
12 tion was allowed (and for any taxable year to which
13 such deduction is carried) and reduce (but not below
14 zero) the amount of such deduction by the amount
15 of such reimbursement.

16 (2) TIME OF FILING AMENDED RETURN.—

17 Paragraph (1) shall apply with respect to any grant
18 only if any amended income tax returns with respect
19 to such grant are filed not later than the later of—

20 (A) the due date for filing the tax return
21 for the taxable year in which the taxpayer re-
22 ceives such grant, or

23 (B) the date which is 1 year after the date
24 of the enactment of this Act.

1 (3) WAIVER OF PENALTIES AND INTEREST.—

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

8 **SEC. 104. NET OPERATING LOSSES ATTRIBUTABLE TO DIS-**
 9 **ASTERS IN 2012, 2013, 2014, AND 2015.**

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

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

20 (b) RULES RELATING TO QUALIFIED DISASTER
 21 LOSSES.—Section 172 of the Internal Revenue Code of
 22 1986 is amended by redesignating subsection (i) a sub-
 23 section (j) and by inserting after subsection (h) the fol-
 24 lowing:

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

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

5 “(A) the sum of—

6 “(i) the losses allowable under section
7 165 for the taxable year—

8 “(I) attributable to a federally
9 declared disaster (as defined in sec-
10 tion 165(i)(5)(A)) occurring during
11 the period beginning after December
12 31, 2007, and before January 1,
13 2010, or during the period beginning
14 after December 31, 2011, and before
15 January 1, 2016, and

16 “(II) occurring in a disaster area
17 (as defined in section 165(i)(5)(B)),
18 and

19 “(ii) the deduction for the taxable
20 year for qualified disaster expenses which
21 is allowable under section 198A(a) or
22 which would be so allowable if not other-
23 wise treated as an expense, or

24 “(B) the net operating loss for such tax-
25 able year.

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

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

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

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

1 **SEC. 105. WAIVER OF CERTAIN MORTGAGE REVENUE BOND**
 2 **REQUIREMENTS FOLLOWING 2012, 2013, 2014,**
 3 **AND 2015 DISASTERS.**

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

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

14 **SEC. 106. INCREASED EXPENSING AND BONUS DEPRECIA-**
 15 **TION FOR QUALIFIED DISASTER ASSISTANCE**
 16 **PROPERTY FOLLOWING 2012, 2013, 2014, AND**
 17 **2015 DISASTERS.**

18 (a) IN GENERAL.—Subclause (I) of section
 19 168(n)(2)(A)(ii) of the Internal Revenue Code of 1986 is
 20 amended by striking “before January 1, 2010” and insert-
 21 ing “during the period beginning after December 31,
 22 2007, and before January 1, 2010, or during the period
 23 beginning after December 31, 2011, and before January
 24 1, 2016”.

25 (b) REMOVAL OF EXCLUSION.—Section
 26 168(n)(2)(B)(i) of such Code is amended by inserting

1 “and” at the end of subclause (I), by striking “, and”
 2 at the end of subclause (II) and inserting a period, and
 3 by striking subclause (III).

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply to property placed in service after
 6 December 31, 2011, with respect to disasters declared
 7 after such date.

8 **SEC. 107. INCREASE IN NEW MARKETS TAX CREDIT FOR IN-**
 9 **VESTMENTS IN COMMUNITY DEVELOPMENT**
 10 **ENTITIES SERVING 2012, 2013, 2014, AND 2015**
 11 **DISASTER AREAS.**

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

15 “(4) INCREASED SPECIAL ALLOCATION FOR
 16 COMMUNITY DEVELOPMENT ENTITIES SERVING DIS-
 17 ASTER AREAS WITH RESPECT TO DISASTERS OCCUR-
 18 RING IN ANY OF CALENDAR YEARS 2012 THROUGH
 19 2015.—

20 “(A) IN GENERAL.—In the case of each
 21 calendar year which begins after 2012 and be-
 22 fore 2017, the new markets tax credit limitation
 23 shall be increased by an amount equal to
 24 \$500,000,000, to be allocated among qualified
 25 community development entities to make quali-

1 fied low-income community investments within
2 any covered federally declared disaster area.

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

13 “(C) APPLICATION OF CARRYFORWARD.—
14 Paragraph (3) shall be applied separately with
15 respect to the amount of any increase under
16 subparagraph (A).

17 “(D) COVERED FEDERALLY DECLARED
18 DISASTER AREA.—For purposes of this para-
19 graph, the term ‘covered federally declared dis-
20 aster area’ means any disaster area resulting
21 from any federally declared disaster occurring
22 after December 31, 2011, and before January
23 1, 2016. For purposes of the preceding sen-
24 tence, the terms ‘federally declared disaster’

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

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to calendar years beginning after
5 2012.

6 **SEC. 108. SPECIAL RULES FOR USE OF RETIREMENT FUNDS**
7 **IN CONNECTION WITH FEDERALLY DE-**
8 **CLARED DISASTERS IN 2012, 2013, 2014, AND**
9 **2015.**

10 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-
11 MENT PLANS.—

12 (1) IN GENERAL.—Paragraph (2) of section
13 72(t) of the Internal Revenue Code of 1986 is
14 amended by adding at the end the following new
15 subparagraph:

16 “(H) DISTRIBUTIONS FROM RETIREMENT
17 PLANS IN CONNECTION WITH FEDERALLY DE-
18 CLARED DISASTERS DURING IN ANY CALENDAR
19 YEARS AFTER 2011.—Any qualified disaster re-
20 covery distribution.”.

21 (2) QUALIFIED DISASTER RECOVERY DISTRIBU-
22 TION.—Section 72(t) of such Code is amended by
23 adding at the end the following new paragraph:

24 “(11) QUALIFIED DISASTER RECOVERY DIS-
25 TRIBUTION.—For purposes of paragraph (2)(H)—

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

15 “(B) DOLLAR LIMITATION.—

16 “(i) IN GENERAL.—For purposes of
17 this subsection, the aggregate amount of
18 distributions received by an individual with
19 respect to any federally declared disaster
20 occurring during in any calendar year be-
21 ginning after 2011 shall not exceed
22 \$100,000.

23 “(ii) TREATMENT OF PLAN DISTRIBUTI-
24 ONS.—If a distribution to an individual
25 would (without regard to clause (i)) be a

1 qualified disaster recovery distribution, a
2 plan shall not be treated as violating any
3 requirement of this title merely because
4 the plan treats such distribution as a
5 qualified disaster recovery distribution, un-
6 less the aggregate amount of such distribu-
7 tions from all plans maintained by the em-
8 ployer (and any member of any controlled
9 group which includes the employer) to such
10 individual with respect to any federally de-
11 clared disaster occurring in any calendar
12 year beginning after 2011 exceeds
13 \$100,000.

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

19 “(C) AMOUNT DISTRIBUTED MAY BE RE-
20 PAID.—

21 “(i) IN GENERAL.—Any individual
22 who receives a qualified disaster recovery
23 distribution may, at any time during the 3-
24 year period beginning on the day after the
25 date on which such distribution was re-

1 ceived, make one or more contributions in
2 an aggregate amount not to exceed the
3 amount of such distribution to an eligible
4 retirement plan of which such individual is
5 a beneficiary and to which a rollover con-
6 tribution of such distribution could be
7 made under section 402(c), 403(a)(4),
8 403(b)(8), 408(d)(3), or 457(e)(16), as the
9 case may be.

10 “(ii) TREATMENT OF REPAYMENTS OF
11 DISTRIBUTIONS FROM ELIGIBLE RETIRE-
12 MENT PLANS OTHER THAN IRAS.—For
13 purposes of this title, if a contribution is
14 made pursuant to clause (i) with respect to
15 a qualified disaster recovery distribution
16 from an eligible retirement plan other than
17 an individual retirement plan, then the tax-
18 payer shall, to the extent of the amount of
19 the contribution, be treated as having re-
20 ceived the qualified disaster recovery dis-
21 tribution in an eligible rollover distribution
22 (as defined in section 402(c)(4)) and as
23 having transferred the amount to the eligi-
24 ble retirement plan in a direct trustee to

1 trustee transfer within 60 days of the dis-
2 tribution.

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

17 “(D) INCOME INCLUSION SPREAD OVER 3-
18 YEAR PERIOD.—

19 “(i) IN GENERAL.—In the case of any
20 qualified disaster recovery distribution, un-
21 less the taxpayer elects not to have this
22 paragraph apply for any taxable year, any
23 amount required to be included in gross in-
24 come for such taxable year shall be so in-

1 cluded ratably over the 3-taxable-year pe-
2 riod beginning with such taxable year.

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

7 “(E) OTHER DEFINITIONS.—

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

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

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

22 “(F) SPECIAL RULES.—

23 “(i) EXEMPTION OF DISTRIBUTIONS
24 FROM TRUSTEE TO TRUSTEE TRANSFER
25 AND WITHHOLDING RULES.—For purposes

of sections 401(a)(31), 402(f), and 3405, qualified disaster recovery distributions shall not be treated as eligible rollover distributions.

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

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

(b) LOANS FROM QUALIFIED PLANS.—

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

“(6) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS WITH RESPECT TO DISASTERS IN ANY CALENDAR YEAR AFTER 2011.—

“(A) IN GENERAL.—In the case of any loan from a qualified employer plan to a quali-

1 fied individual made during the applicable pe-
2 riod—

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

6 “(ii) clause (ii) of such paragraph
7 shall be applied by substituting ‘the
8 present value of the nonforfeitable accrued
9 benefit of the employee under the plan’ for
10 ‘one-half of the present value of the non-
11 forfeitable accrued benefit of the employee
12 under the plan’.

13 “(B) DELAY OF REPAYMENT.—In the case
14 of a qualified individual with an outstanding
15 loan on or after the applicable disaster date
16 from a qualified employer plan—

17 “(i) if the due date pursuant to sub-
18 paragraph (B) or (C) of paragraph (2) for
19 any repayment with respect to such loan
20 occurs during the 1-year period beginning
21 on the applicable disaster date, such due
22 date shall be delayed for 1 year,

23 “(ii) any subsequent repayments with
24 respect to any such loan shall be appro-
25 priately adjusted to reflect the delay in the

1 due date under clause (i) and any interest
2 accruing during such delay, and

3 “(iii) in determining the 5-year period
4 and the term of a loan under subpara-
5 graph (B) or (C) of paragraph (2), the pe-
6 riod described in clause (i) shall be dis-
7 regarded.

8 “(C) DEFINITIONS.—For purposes of this
9 paragraph—

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

19 “(ii) APPLICABLE PERIOD.—The ap-
20 plicable period is the period beginning on
21 the applicable disaster date and ending on
22 December 31, 2016.

23 “(iii) FEDERALLY DECLARED DIS-
24 ASTER; DISASTER AREA.—The terms ‘fed-
25 erally declared disaster’ and ‘disaster area’

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

3 “(iv) APPLICABLE DISASTER DATE.—
4 The term ‘applicable disaster date’ means,
5 with respect to any federally declared dis-
6 aster, the date on which such federally de-
7 clared disaster occurs.”.

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

11 (c) PROVISIONS RELATING TO PLAN AMEND-
12 MENTS.—

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

18 (2) AMENDMENTS TO WHICH SUBSECTION AP-
19 PLIES.—

20 (A) IN GENERAL.—This subsection shall
21 apply to any amendment to any plan or annuity
22 contract which is made—

23 (i) pursuant to any provision of, or
24 amendment made by, this section, or pur-
25 suant to any regulation issued by the Sec-

1 retary or the Secretary of Labor under any
2 provision of, or amendment made by, this
3 section, and

4 (ii) on or before the last day of the
5 first plan year beginning on or after Janu-
6 ary 1, 2016, or such later date as the Sec-
7 retary may prescribe.

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

12 (B) CONDITIONS.—This subsection shall
13 not apply to any amendment unless—

14 (i) during the period—

15 (I) beginning on the date that
16 the provisions of, and amendments
17 made by, this section or the regulation
18 described in subparagraph (A)(i)
19 takes effect (or in the case of a plan
20 or contract amendment not required
21 by the provisions of, or amendments
22 made by, this section or such regula-
23 tion, the effective date specified by the
24 plan), and

1 (II) ending on the date described
 2 in subparagraph (A)(ii) (or, if earlier,
 3 the date the plan or contract amend-
 4 ment is adopted),
 5 the plan or contract is operated as if such
 6 plan or contract amendment were in effect,
 7 and
 8 (ii) such plan or contract amendment
 9 applies retroactively for such period.

10 **SEC. 109. ADDITIONAL EXEMPTION FOR HOUSING QUALI-**
 11 **FIED DISASTER DISPLACED INDIVIDUALS.**

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

15 “(f) ADDITIONAL EXEMPTION FOR CERTAIN DIS-
 16 ASTER-DISPLACED INDIVIDUALS.—

17 “(1) IN GENERAL.—In the case of any taxable
 18 year beginning in any calendar year beginning after
 19 2011, there shall be allowed an exemption of \$500
 20 for each qualified disaster-displaced individual with
 21 respect to the taxpayer for the taxable year.

22 “(2) LIMITATIONS.—

23 “(A) DOLLAR LIMITATION.—The exemp-
 24 tion under paragraph (1) shall not exceed
 25 \$2,000, reduced by the amount of the exemp-

1 tion under this subsection for all prior taxable
2 years.

3 “(B) INDIVIDUALS TAKEN INTO ACCOUNT
4 ONLY ONCE.—An individual shall not be taken
5 into account under paragraph (1) if such indi-
6 vidual was taken into account under this sub-
7 section by the taxpayer for any prior taxable
8 year.

9 “(C) IDENTIFYING INFORMATION RE-
10 QUIRED.—An individual shall not be taken into
11 account under paragraph (1) for a taxable year
12 unless the taxpayer identification number of
13 such individual is included on the return of the
14 taxpayer for such taxable year.

15 “(3) QUALIFIED DISASTER-DISPLACED INDIVIDUAL.—
16

17 “(A) IN GENERAL.—For purposes of this
18 subsection, the term ‘qualified disaster-dis-
19 placed individual’ means, with respect to any
20 taxpayer for any taxable year, any qualified in-
21 dividual if such individual is provided housing
22 free of charge by the taxpayer in the principal
23 residence of the taxpayer for a period of 60
24 consecutive days which ends in such taxable

1 year. Such term shall not include the spouse or
2 any dependent of the taxpayer.

3 “(B) QUALIFIED INDIVIDUAL.—The term
4 ‘qualified individual’ means any individual
5 who—

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

12 “(ii) was displaced from such prin-
13 cipal place of abode by reason of the feder-
14 ally declared disaster.

15 For purposes of the preceding sentence, the
16 terms ‘federally declared disaster’ and ‘disaster
17 area’ have the meanings given such terms in
18 section 165(i)(5).

19 “(4) COMPENSATION FOR HOUSING.—No de-
20 duction shall be allowed under this subsection if the
21 taxpayer receives any rent or other amount (from
22 any source) in connection with the providing of such
23 housing.”.

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

4 **SEC. 110. EXCLUSIONS OF CERTAIN CANCELLATIONS OF IN-**
5 **DEBTEDNESS BY REASON OF 2012, 2013, 2014,**
6 **AND 2015 DISASTERS.**

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

10 “(j) DISCHARGE OF INDEBTEDNESS FOR INDIVID-
11 UALS AFFECTED BY DISASTERS IN ANY CALENDAR YEAR
12 AFTER 2011.—

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

21 “(2) EXCEPTIONS FOR BUSINESS INDEBTED-
22 NESS.—Paragraph (1) shall not apply to any indebt-
23 edness incurred in connection with a trade or busi-
24 ness.

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

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

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

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

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

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

1 **SEC. 111. SPECIAL RULE FOR DETERMINING EARNED IN-**
 2 **COME OF INDIVIDUALS AFFECTED BY FEDER-**
 3 **ALLY DECLARED DISASTERS.**

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

7 “(n) SPECIAL RULE FOR DETERMINING EARNED IN-
 8 COME OF TAXPAYERS AFFECTED BY FEDERALLY DE-
 9 CLARED DISASTERS.—

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

20 “(A) such earned income for the preceding
 21 taxable year, for

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

24 “(2) QUALIFIED INDIVIDUAL.—For purposes of
 25 this subsection, the term ‘qualified individual’
 26 means, with respect to any federally declared dis-

1 aster occurring during in any calendar year begin-
2 ning after 2011 and before 2016, any individual
3 whose principal place of abode on the applicable dis-
4 aster date, was located—

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

11 “(B) in any portion of the disaster area
12 not described in subparagraph (A) and such in-
13 dividual was displaced from such principal place
14 of abode by reason of the federally declared dis-
15 aster.

16 “(3) OTHER DEFINITIONS.—For purposes of
17 this paragraph—

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

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

1 date on which such federally declared disaster
2 occurs.

3 “(4) SPECIAL RULES.—

4 “(A) APPLICATION TO JOINT RETURNS.—

5 For purposes of paragraph (1), in the case of
6 a joint return for a taxable year which includes
7 the disaster date—

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

10 “(ii) the earned income of the tax-
11 payer for the preceding taxable year shall
12 be the sum of the earned income of each
13 spouse for such preceding taxable year.

14 “(B) UNIFORM APPLICATION OF ELEC-
15 TION.—Any election made under paragraph (1)
16 shall apply with respect to both section 24(d)
17 and this section.

18 “(C) ERRORS TREATED AS MATHEMATICAL
19 ERROR.—For purposes of section 6213, an in-
20 correct use on a return of earned income pursu-
21 ant to paragraph (1) shall be treated as a
22 mathematical or clerical error.

23 “(D) NO EFFECT ON DETERMINATION OF
24 GROSS INCOME, ETC.—Except as otherwise pro-
25 vided in this subsection, this title shall be ap-

1 plied without regard to any substitution under
2 paragraph (1).”.

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

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

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

15 **SEC. 112. INCREASE IN REHABILITATION CREDIT FOR**
16 **BUILDINGS IN 2012, 2013, 2014, AND 2015 DIS-**
17 **ASTER AREAS.**

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

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

23 “(1) IN GENERAL.—In the case of qualified re-
24 habilitation expenditures paid or incurred during the
25 applicable period with respect to any qualified reha-

1 bilitated building or certified historic structure lo-
2 cated in a disaster area with respect to any federally
3 declared disaster occurring in, subsection (a) shall
4 be applied—

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

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

9 “(2) DEFINITIONS.—For purposes of this sub-
10 section—

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

15 “(B) APPLICABLE PERIOD.—The term ‘ap-
16 plicable period’ means the period beginning on
17 the applicable disaster date and ending on De-
18 cember 31, 2015.

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

1 (b) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to amounts paid or incurred after
 3 December 31, 2011.

4 **SEC. 113. ADVANCED REFUNDINGS OF CERTAIN TAX-EX-**
 5 **EMPT BONDS.**

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

10 “(7) SPECIAL RULE WITH RESPECT TO CER-
 11 TAIN NATURAL DISASTERS.—

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

18 “(i) the Governor of the State des-
 19 ignates the advance refunding bond for
 20 purposes of this subsection, and

21 “(ii) the requirements of subpara-
 22 graph (E) are met.

23 “(B) CERTAIN PRIVATE ACTIVITY
 24 BONDS.—With respect to a bond described in
 25 subparagraph (C) which is an exempt facility

1 bond described in paragraph (1) or (2) of sec-
2 tion 142(a), one advance refunding after the
3 date of the enactment of this paragraph and be-
4 fore January 1, 2018, shall be allowed under
5 the applicable rules of this subsection (notwith-
6 standing paragraph (2) thereof) if the require-
7 ments of clauses (i) and (ii) of subparagraph
8 (A) are met.

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

12 “(i) was outstanding on the applicable
13 disaster date, and

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

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

21 “(E) ADDITIONAL REQUIREMENTS.—The
22 requirements of this subparagraph are met with
23 respect to any advance refunding of a bond de-
24 scribed in subparagraph (C) if—

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

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

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

10 “(F) DEFINITIONS.—For purposes of this
11 subsection—

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

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

22 “(iii) APPLICABLE STATE.—The term
23 ‘applicable State’ means, with respect to
24 any federally declared disaster, any State

1 in which a portion of the disaster area is
2 located.”.

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

6 **SEC. 114. QUALIFIED DISASTER AREA RECOVERY BONDS.**

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

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

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

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

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

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

20 “(1) 95 percent or more of the net proceeds of
21 such issue are to be used for qualified project costs,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(1) QUALIFIED DISASTER AREA.—The term
 2 ‘qualified disaster area’ means any area determined
 3 to warrant individual or individual and public assist-
 4 ance from the Federal Government under the Robert
 5 T. Stafford Disaster Relief and Emergency Assist-
 6 ance Act by reason of a federally declared disaster
 7 occurring during the period beginning after Decem-
 8 ber 31, 2011, and before January 1, 2016.

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

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

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

16 (c) EFFECTIVE DATE.—The amendments made by
 17 this section shall apply to obligations issued after Decem-
 18 ber 31, 2015.

19 **SEC. 115. ADDITIONAL LOW-INCOME HOUSING CREDIT AL-**
 20 **LOCATIONS.**

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

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

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

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

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

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

1 “(iii) APPLICABLE PERCENTAGE.—

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

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

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

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

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

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

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

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

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

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

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

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

14 **SEC. 116. FACILITATION OF TRANSFER OF WATER LEASING**
15 **AND WATER BY MUTUAL DITCH OR IRRIGA-**
16 **TION COMPANIES IN DISASTER AREAS.**

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

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

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

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

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

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

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

16 “(IV) from the United States, or
17 a State or local government, resulting
18 from the federally declared disaster,
19 except that any income received under sub-
20 clause (I), (II), (III), or (IV) which is dis-
21 tributed or expended for expenses (other
22 than for operations, maintenance, and cap-
23 ital improvements) of the qualified mutual
24 ditch or irrigation company or like organi-
25 zation shall be treated as nonmember in-

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

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

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

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

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

pany or like organization are located in more than 1 qualified disaster area, all such areas shall be treated as 1 area and if more than 1 federally declared disaster is involved, the date on which the last of such disasters occurred shall be the date used for purposes of this paragraph.

“(iii) APPLICABLE PERIOD.—For purposes of this paragraph, the term ‘applicable period’ means the taxable year in which the federally declared disaster occurred and the 5 following taxable years.

“(iv) OTHER DEFINITIONS.—

“(I) QUALIFIED DISASTER AREA.—The term ‘qualified disaster area’ means any area determined to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of a federally declared disaster occurring during the period beginning on Janu-

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

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

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

11 **TITLE II—OTHER DISASTER TAX** 12 **RELIEF PROVISIONS**

13 **SEC. 201. EXCLUSION FOR DISASTER MITIGATION PAY-** 14 **MENTS RECEIVED FROM STATE AND LOCAL** 15 **GOVERNMENTS.**

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

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

1 **SEC. 202. NATURAL DISASTER FUNDS.**

2 (a) NATURAL DISASTER FUND.—Subpart C of part
3 II of subchapter E of chapter 1 of the Internal Revenue
4 Code of 1986 is amended by inserting after section 468B
5 the following new section:

6 **“SEC. 468C. SPECIAL RULES FOR NATURAL DISASTER**
7 **FUNDS.**

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

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

16 “(1) DESIGNATION.—The taxpayer des-
17 ignates—

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

20 “(B) the line or lines of business to which
21 the fund applies.

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

24 “(3) INVESTMENTS.—

1 “(A) The assets of the fund are main-
2 tained in one or more qualified accounts and
3 are invested only in—

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

8 “(ii) in stock or other securities in
9 which the fund would be permitted to in-
10 vest if it were a capital construction fund
11 subject to the investment limitations of
12 paragraphs (2) and (3) of section
13 7518(b)(2).

14 “(B) All investment earnings (including
15 gains and losses) from investments of the fund
16 become part of the fund.

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

23 “(5) PURPOSE.—The fund is established and
24 maintained for the purposes of covering costs, ex-
25 penses, and losses (including business interruption

1 losses) resulting from a Federally declared natural
2 disaster to the extent such costs are not covered by
3 insurance.

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

6 “(A) the sum of—

7 “(i) 150 percent of the maximum de-
8 ductible, and

9 “(ii) 100 percent of the maximum co-
10 insurance (to the extent not taken into ac-
11 count in clause (i)),

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

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

24 “(7) FINANCIAL STATEMENTS.—The fund or
25 the balance of the fund is recorded in the taxpayer’s

1 financial statements in accordance with generally ac-
2 cepted accounting principles and not as a current
3 asset and the footnotes to the taxpayer's financial
4 statements include a short description of the fund
5 and its purposes.

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

9 “(A) in the qualified taxpayer's line of
10 business to which the fund relates, and

11 “(B) in the United States.

12 “(c) QUALIFIED TAXPAYER.—For purposes of this
13 section, the term ‘qualified taxpayer’ means any taxpayer
14 that—

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

16 “(2) maintains property insurance with respect
17 to such trade or business that insures against losses
18 in natural disasters.

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

1 “(e) TAXATION OF FUND.—

2 “(1) IN GENERAL.—The earnings (including
3 gains and losses) from the investment and reinvest-
4 ment of amounts held in the fund shall not be taken
5 into account in determining the gross income of the
6 taxpayer that owns the fund.

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

10 “(f) TAXATION OF DISTRIBUTIONS FROM THE
11 FUND.—

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

16 “(2) NONQUALIFIED DISTRIBUTIONS.—

17 “(A) IN GENERAL.—In the case of any
18 taxable year for which there is a nonqualified
19 distribution—

20 “(i) such nonqualified distributions
21 shall be excluded from the gross income of
22 the taxpayer, and

23 “(ii) the tax imposed by this chapter
24 (determined without regard to this sub-
25 section) shall be increased by the product

1 of the amount of such nonqualified dis-
 2 tribution and the highest rate of tax speci-
 3 fied in section 1 (section 11 in the case of
 4 a corporation).

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

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

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

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

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

24 “(A) all investment earnings (including
 25 gains or losses) in taxable year shall be treated

1 as added to the fund on the last day of the tax-
2 able year, and

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

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

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

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

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

25 “(4) QUALIFIED DISTRIBUTION.—

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

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

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

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

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

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

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

5 “(2) EXCESS BALANCE.—

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

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

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

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

1 taxpayer in the year such distribution was
2 made.

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

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

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

18 “(i) to which section 381 applies,

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

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

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

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

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

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

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

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

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

4 **TITLE III—PERMANENT DIS-**
5 **ASTER TAX RELIEF PROVI-**
6 **SIONS**

7 **SEC. 301. INCREASE PROPERTY REPLACEMENT PERIOD TO**
8 **5 YEARS.**

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

12 “(F) FEDERALLY DECLARED DISASTER.—

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

21 “(ii) FEDERALLY DECLARED DIS-
22 ASTER AND DISASTER AREA.—For pur-
23 poses of clause (i), the terms ‘federally de-
24 clared disaster’ and ‘disaster area’ have

1 the meanings given such terms under sec-
2 tion 165(i)(5).”.

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

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

9 **SEC. 302. WAGE CREDIT FOR SPECIFIED DISASTER-DAM-**
10 **AGED BUSINESSES.**

11 (a) IN GENERAL.—Subpart D of part IV of sub-
12 chapter A of chapter 1 of the Internal Revenue Code of
13 1986 is amended by adding at the end the following new
14 section:

15 **“SEC. 45S. WAGE CREDIT FOR SPECIFIED DISASTER-DAM-**
16 **AGED BUSINESSES.**

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

22 “(b) QUALIFIED WAGES DEFINED.—For purposes of
23 this section—

24 “(1) IN GENERAL.—The term ‘qualified wages’
25 means, with respect to any covered employee, wages

1 paid or incurred by the eligible employer to the em-
2 ployee who is not able to work at the disaster-dam-
3 aged business of the employer during an inoper-
4 ability period because of a federally declared dis-
5 aster. Such term shall not include amounts paid or
6 incurred for overtime compensation.

7 “(2) LIMITATIONS.—

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

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

19 “(i) the last day on which the trade or
20 business is inoperable, or

21 “(ii) 16 weeks after the first day of
22 such disaster.

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

24 “(1) ELIGIBLE EMPLOYER.—

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

4 “(i) employed an average of less than
5 200 employees on business days during
6 such taxable year, and

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

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

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

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

21 “(A) whose principal place of employment
22 is in a disaster area with respect to a federally
23 declared disaster, and

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

4 “(3) FEDERALLY DECLARED DISASTER AND
 5 DISASTER AREA.—For purposes of clause (i), the
 6 terms ‘federally declared disaster’ and ‘disaster area’
 7 have the meanings given such terms under section
 8 165(i)(5).”.

9 (b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—
 10 Section 38(b) of the Internal Revenue Code of 1986 is
 11 amended by striking “plus” at the end of paragraph (35),
 12 by striking the period at the end of paragraph (36) and
 13 inserting “, plus”, and by adding at the end the following:

14 “(37) the specified disaster-damaged business
 15 wage credit determined under section 45S(a).”.

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

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

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

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

1 **SEC. 303. DISASTER-RELATED MEDICAL EXPENSES.**

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

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

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

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

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

17 “(2) COORDINATION.—Any expense taken into
18 account under paragraph (1) shall not be treated as
19 an expense taken into account under this section
20 (without regard to this section).

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

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

4 **SEC. 304. EXPENSING OF QUALIFIED DISASTER EXPENSES.**

5 (a) IN GENERAL.—Section 198A(b)(2)(A)(ii) of the
6 Internal Revenue Code of 1986, as added by section 101
7 of this Act, is amended by striking “and before January
8 1, 2016,”.

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

12 **SEC. 305. LOSSES ATTRIBUTABLE TO DISASTERS.**

13 (a) IN GENERAL.—Section 165(h)(3)(B)(i)(I) of the
14 Internal Revenue Code of 1986, as amended by section
15 103 of this Act, is amended by striking “the period begin-
16 ning after December 31, 2011, and before January 1,
17 2016,” and inserting “any period beginning after Decem-
18 ber 31, 2011,”.

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

1 **SEC. 306. NET OPERATING LOSSES ATTRIBUTABLE TO DIS-**
2 **ASTERS.**

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

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

9 **SEC. 307. SPECIAL RULES FOR USE OF RETIREMENT FUNDS**
10 **IN CONNECTION WITH FEDERALLY DE-**
11 **CLARED DISASTERS.**

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

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

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

21 **SEC. 308. ADDITIONAL EXEMPTION FOR HOUSING QUALI-**
22 **FIED DISASTER DISPLACED INDIVIDUALS.**

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

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

4 **SEC. 309. EXCLUSIONS OF CERTAIN CANCELLATIONS OF IN-**
 5 **DEBTEDNESS BY REASON OF DISASTERS.**

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

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

12 **SEC. 310. SPECIAL RULE FOR DETERMINING EARNED IN-**
 13 **COME OF INDIVIDUALS AFFECTED BY FEDER-**
 14 **ALLY DECLARED DISASTERS.**

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

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

21 **SEC. 311. QUALIFIED DISASTER AREA RECOVERY BONDS.**

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

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

4 **SEC. 312. ADDITIONAL LOW-INCOME HOUSING CREDIT AL-**
5 **LOCATIONS.**

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

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

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

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

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on the date of the enactment
19 of this Act.

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