

116TH CONGRESS
2D SESSION

H. R. 8584

To amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss of eligible individuals.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2020

Mr. EMMER 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 for the indexing of certain assets for purposes of determining gain or loss of eligible individuals.

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.**

4 This Act may be cited as the “Retirement Inflation
5 Protection Act of 2020”.

1 **SEC. 2. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF**
2 **DETERMINING GAIN OR LOSS OF ELIGIBLE**
3 **INDIVIDUALS.**

4 (a) IN GENERAL.—Part II of subchapter O of chap-
5 ter 1 of the Internal Revenue Code of 1986 is amended
6 by inserting after section 1017 the following new section:

7 **“SEC. 1018. INDEXING OF CERTAIN ASSETS FOR PURPOSES**
8 **OF DETERMINING GAIN OR LOSS OF ELIGI-**
9 **BLE INDIVIDUALS.**

10 “(a) IN GENERAL.—

11 “(1) INDEXED BASIS SUBSTITUTED FOR AD-
12 JUSTED BASIS.—Solely for purposes of determining
13 gain or loss on the sale or other disposition by an
14 eligible individual of an indexed asset which has
15 been held by such individual for more than 3 years,
16 the indexed basis of the asset shall be substituted
17 for its adjusted basis.

18 “(2) EXCEPTION FOR DEPRECIATION, ETC.—
19 The deductions for depreciation, depletion, and am-
20 ortization shall be determined without regard to the
21 application of paragraph (1) to the taxpayer or any
22 other person.

23 “(3) WRITTEN DOCUMENTATION REQUIRE-
24 MENT.—Paragraph (1) shall apply only with respect
25 to indexed assets for which the taxpayer has written

1 documentation of the original purchase price paid or
2 incurred by the taxpayer to acquire such asset.

3 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
4 section, the term ‘eligible individual’ means, with respect
5 to any indexed asset, any individual if such individual has
6 attained age 59½ as of the date of the sale or other dis-
7 position of such asset.

8 “(c) INDEXED ASSET.—

9 “(1) IN GENERAL.—For purposes of this sec-
10 tion, the term ‘indexed asset’ means—

11 “(A) common stock in a C corporation
12 (other than a foreign corporation), or

13 “(B) tangible property,
14 which is a capital asset or property used in the trade
15 or business (as defined in section 1231(b)).

16 “(2) STOCK IN CERTAIN FOREIGN CORPORA-
17 TIONS INCLUDED.—For purposes of this section—

18 “(A) IN GENERAL.—The term ‘indexed
19 asset’ includes common stock in a foreign cor-
20 poration which is regularly traded on an estab-
21 lished securities market.

22 “(B) EXCEPTION.—Subparagraph (A)
23 shall not apply to—

24 “(i) stock of a foreign investment
25 company,

1 “(ii) stock in a passive foreign invest-
2 ment company (as defined in section
3 1296),

4 “(iii) stock in a foreign corporation
5 held by a United States person who meets
6 the requirements of section 1248(a)(2),
7 and

8 “(iv) stock in a foreign personal hold-
9 ing company.

10 “(C) TREATMENT OF AMERICAN DEPOSI-
11 TORY RECEIPTS.—An American depository re-
12 ceipt for common stock in a foreign corporation
13 shall be treated as common stock in such cor-
14 poration.

15 “(d) INDEXED BASIS.—For purposes of this sec-
16 tion—

17 “(1) IN GENERAL.—The indexed basis for any
18 asset is—

19 “(A) the adjusted basis of the asset, in-
20 creased by

21 “(B) the applicable inflation adjustment.

22 “(2) APPLICABLE INFLATION ADJUSTMENT.—
23 The applicable inflation adjustment for any asset is
24 an amount equal to—

1 “(A) the adjusted basis of the asset, multi-
2 plied by

3 “(B) the percentage (if any) by which—

4 “(i) C-CPI-U for the last calendar
5 month ending before the asset is disposed
6 of, exceeds

7 “(ii) C-CPI-U for the last calendar
8 month ending before the asset was ac-
9 quired by the taxpayer.

10 The percentage under subparagraph (B) shall be
11 rounded to the nearest $\frac{1}{10}$ of 1 percentage point.

12 “(3) C-CPI-U.—

13 “(A) IN GENERAL.—The term ‘C-CPI-U’
14 means the Chained Consumer Price Index for
15 All Urban Consumers (as published by the Bu-
16 reau of Labor Statistics of the Department of
17 Labor). The values of the Chained Consumer
18 Price Index for All Urban Consumers taken
19 into account for purposes of determining the
20 cost-of-living adjustment for any calendar
21 month under this subsection shall be the latest
22 values so published as of the date on which
23 such Bureau publishes the initial value of the
24 Chained Consumer Price Index for All Urban

1 Consumers for the month which precedes such
2 calendar month by 4 months.

3 “(B) DETERMINATION FOR CALENDAR
4 MONTH.—The C-CPI-U for any calendar month
5 is the average of the C-CPI-U as of the close
6 of the 12-month period ending with the month
7 which precedes such calendar month by 4
8 months.

9 “(e) SUSPENSION OF HOLDING PERIOD WHERE DI-
10 MINISHED RISK OF LOSS; TREATMENT OF SHORT
11 SALES.—

12 “(1) IN GENERAL.—If the taxpayer (or a re-
13 lated person) enters into any transaction which sub-
14 stantially reduces the risk of loss from holding any
15 asset, such asset shall not be treated as an indexed
16 asset for the period of such reduced risk.

17 “(2) SHORT SALES.—

18 “(A) IN GENERAL.—In the case of a short
19 sale of an indexed asset with a short sale period
20 in excess of 3 years, for purposes of this title,
21 the amount realized shall be an amount equal
22 to the amount realized (determined without re-
23 gard to this paragraph) increased by the appli-
24 cable inflation adjustment. In applying sub-
25 section (d)(2) for purposes of the preceding

1 sentence, the date on which the property is sold
2 short shall be treated as the date of acquisition
3 and the closing date for the sale shall be treat-
4 ed as the date of disposition.

5 “(B) SHORT SALE PERIOD.—For purposes
6 of subparagraph (A), the short sale period be-
7 gins on the day that the property is sold and
8 ends on the closing date for the sale.

9 “(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

10 “(1) IN GENERAL.—This section shall not apply
11 to any sale or other disposition of property between
12 related persons except to the extent that the basis
13 of such property in the hands of the transferee is a
14 substituted basis.

15 “(2) RELATED PERSONS DEFINED.—For pur-
16 poses of this section, the term ‘related persons’
17 means—

18 “(A) persons bearing a relationship set
19 forth in section 267(b), and

20 “(B) persons treated as single employer
21 under subsection (b) or (c) of section 414.

22 “(g) TRANSFERS TO INCREASE INDEXING ADJUST-
23 MENT.—If any person transfers cash, debt, or any other
24 property to another person and the principal purpose of
25 such transfer is to secure or increase an adjustment under

1 subsection (a), the Secretary may disallow part or all of
2 such adjustment or increase.

3 “(h) SPECIAL RULES.—For purposes of this sec-
4 tion—

5 “(1) TREATMENT OF IMPROVEMENTS, ETC.—If
6 there is an addition to the adjusted basis of any tan-
7 gible property or of any stock in a corporation dur-
8 ing the taxable year by reason of an improvement to
9 such property or a contribution to capital of such
10 corporation—

11 “(A) such addition shall never be taken
12 into account under subsection (d)(1)(A) if the
13 aggregate amount thereof during the taxable
14 year with respect to such property or stock is
15 less than \$1,000, and

16 “(B) such addition shall be treated as a
17 separate asset acquired at the close of such tax-
18 able year if the aggregate amount thereof dur-
19 ing the taxable year with respect to such prop-
20 erty or stock is \$1,000 or more.

21 A rule similar to the rule of the preceding sentence
22 shall apply to any other portion of an asset to the
23 extent that separate treatment of such portion is ap-
24 propriate to carry out the purposes of this section.

1 “(2) ASSETS WHICH ARE NOT INDEXED ASSETS
2 THROUGHOUT HOLDING PERIOD.—The applicable in-
3 flation adjustment shall be appropriately reduced for
4 periods during which the asset was not an indexed
5 asset.

6 “(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a
7 corporation which is not a dividend shall be treated
8 as a disposition.

9 “(4) SECTION CANNOT INCREASE ORDINARY
10 LOSS.—To the extent that (but for this paragraph)
11 this section would create or increase a net ordinary
12 loss to which section 1231(a)(2) applies or an ordi-
13 nary loss to which any other provision of this title
14 applies, such provision shall not apply. The taxpayer
15 shall be treated as having a long-term capital loss in
16 an amount equal to the amount of the ordinary loss
17 to which the preceding sentence applies.

18 “(5) ACQUISITION DATE WHERE THERE HAS
19 BEEN PRIOR APPLICATION OF SUBSECTION (a)(1)
20 WITH RESPECT TO THE TAXPAYER.—If there has
21 been a prior application of subsection (a)(1) to an
22 asset while such asset was held by the taxpayer, the
23 date of acquisition of such asset by the taxpayer
24

1 shall be treated as not earlier than the date of the
2 most recent such prior application.

3 “(i) REGULATIONS.—The Secretary shall prescribe
4 such regulations as may be necessary or appropriate to
5 carry out the purposes of this section.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for part II of subchapter O of chapter 1 of such Code
8 is amended by inserting after the item relating to section
9 1017 the following new item:

“Sec. 1018. Indexing of certain assets for purposes of determining gain or loss
of eligible individuals.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to sales or other dispositions after
12 the date of the enactment of this Act, in taxable years
13 ending after such date.

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