

AMENDMENT NO. 4406, AS FURTHER MODIFIED

Mr. DODD. Mr. President, I ask unanimous consent that notwithstanding adoption of amendment No. 4406, as modified, the amendment be further modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

At the end of title VI, insert the following:
SEC. ____ . ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

“(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

“(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

“(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

“(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

“(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

“(i) the limitation under section 38(c), and“(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term ‘eligible qualified property’ means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

“(iii) the limitation under section 53(c).

“(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

“(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

“(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

“(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term ‘eligible qualified property’ means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

“(I) ‘March 31, 2008’ shall be substituted for ‘December 31, 2007’ each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof.

“(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

“(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

“(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iii), reduced (but not

below zero) by the bonus depreciation amount for any preceding taxable year.

“(iv) APPLICABLE LIMITATION.—For purposes of clause (ii), the term ‘applicable limitation’ means, with respect to any eligible taxpayer, the lesser of—

“(I) \$40,000,000, or

“(II) 10 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

“(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iii).

“(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

“(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

“(I) from taxable years beginning before January 1, 2006, and

“(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

“(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

“(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

“(F) OTHER RULES.—

“(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

“(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CONGRESSMAN WILLIAM DICKINSON

Mr. SHELBY. Mr. President, I rise today to pay tribute to Congressman

William Dickinson, who passed away on Monday, March 31, 2008. Bill was a skilled legislator and a personal friend, and along with the entire State of Alabama, I mourn his passing.

William Dickinson was born on June 5, 1925, in Opelika, AL. He served in the United States Navy during World War II and as a Major in the United States Air Force Reserves. In 1950, he obtained a law degree from the University of Alabama. He then practiced law for 2 years. In 1952, Bill began his career as an elected official, serving as a judge in city, juvenile, and circuit courts in Lee County. After his successful career as a judge, Bill was an executive for the Southern Railway. Bill also served on the Opelika Board of Education.

When Bill was elected to Congress in 1964, most of his constituents had never before been represented by a Republican. Nevertheless, Bill was elected to 14 consecutive terms in office and was a pivotal force in Alabama's change into a two-party State. While in office, Congressman Dickinson accomplished a great deal for his district, the State of Alabama, and our Nation.

He worked tirelessly for the 13 counties in his congressional district, particularly on military matters. As ranking member of the House Armed Services Committee, Bill was able to protect and strengthen the military bases in Alabama. He was a steamroller in military funding issues for the Air War College at Air University, Maxwell Air Force Base, and Gunter Annex in Montgomery, AL, and also further south in Alabama at Fort Rucker, where Army helicopter pilots go through their training. His exemplary work in this area improved both the economy of our State and the security of our Nation.

Bill's work for the military also extended to the national level. He was very influential in the rearming of America during the Cold War, working to stop the spread of communism and providing the military with the programs and equipment they needed during the Vietnam war. Bill is credited both with the creation of the Aviation Department in the Department of the Army and for the Apache Attack Helicopter program. In fact, Bill was nicknamed the “Father of Army Aviation” due to his advocacy on behalf of those issues.

His work garnered the attention of the American Conservative Union, which presented him with the Statesman Award; the Army Aviation Association of America, which awarded him with its Congressional Appreciation Award; and the Association of the United States Army, which presented William with the Distinguished Service to Soldiers award, among others.

Bill is loved and will be missed by his wife Barbara, his four children and his five grandchildren. He was an inspiration to many and will be remembered for his service to our Nation. I ask the entire Senate to join me in recognizing and honoring the life of our colleague, Congressman William Dickinson.