

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. ZELDIN OF NEW YORK**

Add at the end of division E the following:

1                   **TITLE LIII—TAX-EXEMPT**  
2                   **FINANCING**

3 **SEC. 53101. TAX-EXEMPT FINANCING OF QUALIFIED GOV-**  
4                   **ERNMENT BUILDINGS.**

5           (a) IN GENERAL.—Section 142(a) of the Internal  
6 Revenue Code of 1986 is amended by striking “or” at the  
7 end of paragraph (14), by striking the period at the end  
8 of paragraph (15) and inserting “, or”, and by adding at  
9 the end the following new paragraph:

10                   “(16) qualified government buildings.”.

11           (b) QUALIFIED GOVERNMENT BUILDINGS.—Section  
12 142 of such Code is amended by adding at the end the  
13 following new subsection:

14                   “(n) QUALIFIED GOVERNMENTAL BUILDINGS.—

15                   “(1) IN GENERAL.—For purposes of subsection  
16 (a)(16), the term ‘qualified governmental buildings’  
17 means any building or facility that consists of one  
18 or more of the following:

1           “(A) An elementary school or a secondary  
2 school (within the meanings given such terms  
3 by section 14101 of the Elementary and Sec-  
4 ondary Education Act of 1965 (20 U.S.C.  
5 8801), as in effect on the date of the enactment  
6 of this subsection).

7           “(B) Facilities of a State college or univer-  
8 sity used for educational purposes.

9           “(C) A library maintained for, and open  
10 to, the general public.

11           “(D) A Court of law.

12           “(E) A hospital, health care facilities, lab-  
13 oratory facilities or research facilities.

14           “(F) Public safety facilities (including po-  
15 lice, fire, enhanced 911, emergency or disaster  
16 management, and ambulance or emergency  
17 medical service facilities and jails and correc-  
18 tional facilities).

19           “(G) Offices for employees of a govern-  
20 mental unit.

21 Such term shall include any equipment, functionally-  
22 related and subordinate facility, or land (and any  
23 real property rights appurtenant thereto) with re-  
24 spect to any such building or facility

1           “(2) SPECIFICALLY EXCLUDED FACILITIES.—

2           Such term shall not include—

3                   “(A) a building or facility the primary pur-  
4                   pose of which is one of the following: retail food  
5                   and beverage services, or the provision of recre-  
6                   ation or entertainment, or

7                   “(B) any building or facility that includes  
8                   any of the following: any private or commercial  
9                   golf course, country club, massage parlor, ten-  
10                  nis club, skating facility (including roller skat-  
11                  ing, skateboard, and ice skating), racquet  
12                  sports facility (including any handball or  
13                  racquetball court), hot tub facility, suntan facil-  
14                  ity, racetrack, convention center, or sports sta-  
15                  dium or arena.

16           “(3) NATIONAL LIMITATION ON AMOUNT OF  
17           TAX-EXEMPT FINANCING FOR QUALIFIED GOVERN-  
18           MENTAL BUILDING.—

19                   “(A) NATIONAL LIMITATION.—The aggre-  
20                   gate amount allocated by the Secretary under  
21                   subparagraph (C) shall not exceed  
22                   \$5,000,000,000.

23                   “(B) ENFORCEMENT OF NATIONAL LIM-  
24                   TATION.—An issue shall not be treated as an  
25                   issue described in subsection (a)(16) if the ag-

1            aggregate face amount of bonds issued pursuant  
2            to such issue for any qualified governmental  
3            building (when added to the aggregate face  
4            amount of bonds previously so issued for such  
5            facility) exceeds the amount allocated to such  
6            qualified governmental building under subpara-  
7            graph (C).

8            “(C) ALLOCATION BY THE SECRETARY.—  
9            The Secretary shall allocate a portion of the  
10           amount described in subparagraph (A) to a  
11           qualified governmental building if the Secretary  
12           determines that—

13                    “(i) the application for financing of  
14                    such qualified governmental building meets  
15                    the requirements set forth in subparagraph  
16                    (D), and

17                    “(ii) the amount of the allocation re-  
18                    quested, if allocated by the Secretary,  
19                    would not cause the national limitation set  
20                    forth in subparagraph (A) to be exceeded.

21            “(D) APPLICATIONS FOR FINANCING.—An  
22            application for financing a qualified govern-  
23            mental building meets the requirements of this  
24            subparagraph if such application includes—

1           “(i) the amount of the allocation re-  
2           quested,

3           “(ii) the name of the governmental  
4           unit that will own the project, together  
5           with complete contact information,

6           “(iii) a description of the project as a  
7           whole and the proposed organizational and  
8           legal structure of the project,

9           “(iv) a timeline showing the estimated  
10          start and completion dates for each major  
11          phase or milestone of project development  
12          and an indication of the current status of  
13          milestones on this timeline, including all  
14          necessary permits and environmental ap-  
15          provals,

16          “(v) a statement of anticipated  
17          sources and uses of funds for the project,  
18          and

19          “(vi) the following declaration signed  
20          by an individual who has personal knowl-  
21          edge of the relevant facts and cir-  
22          cumstances: “Under penalties of perjury, I  
23          declare that I have examined this docu-  
24          ment and, to the best of my knowledge and  
25          belief, the document contains all the rel-

1           evant facts relating to the document, and  
2           such facts are true, correct, and complete.”

3           “(E) USE OF ALLOCATION IN A TIMELY  
4           MANNER.—If, following an allocation by the  
5           Secretary under subparagraph (C), bonds are  
6           not issued in the amount of such allocation  
7           after the date that is 2 years after the date of  
8           such allocation, then the unused portion of the  
9           allocation shall be withdrawn, unless the Sec-  
10          retary, upon a showing of good cause by the ap-  
11          plicant, grants an extension of such date.

12          “(4) EXCEPTION FOR CURRENT REFUNDING  
13          BONDS.—Paragraph (4) shall not apply to any bond  
14          (or series of bonds) issued to refund a bond issued  
15          under subsection (a)(16) if—

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

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

23                 “(C) the refunded bond is redeemed not  
24                 later than 90 days after the date of the  
25                 issuance of the refunding bond.

1 For purposes of subparagraph (A), average maturity  
2 shall be determined in accordance with section  
3 147(b)(2)(A).

4 “(5) OFFICE SPACE.—Subsection (b)(2) shall  
5 not apply with respect to any qualified governmental  
6 building.”.

7 (c) GOVERNMENTALLY OWNED REQUIREMENT.—  
8 Section 142(b)(1)(A) of such Code is amended by striking  
9 “or (12)” and inserting “(12), or (16)”.

10 (d) EXEMPTION FROM VOLUME CAP ON PRIVATE  
11 ACTIVITY BONDS.—Section 146(g)(3) of such Code is  
12 amended by striking “or (15)” and inserting “(15), or  
13 (16)”.

14 (e) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to bonds issued after the date of  
16 the enactment of this Act.

