

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



Page 935, after line 13, insert 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’

1 means any building or facility that consists of one  
2 or more of the following:

3 “(A) An elementary school or a secondary  
4 school (within the meanings given such terms  
5 by section 14101 of the Elementary and Sec-  
6 ondary Education Act of 1965 (20 U.S.C.  
7 8801), as in effect on the date of the enactment  
8 of this subsection).

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

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

13 “(D) A Court of law.

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

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

21 “(G) Offices for employees of a govern-  
22 mental unit.

23 Such term shall include any equipment, functionally-  
24 related and subordinate facility, or land (and any

1 real property rights appurtenant thereto) with re-  
2 spect to any such building or facility

3 “(2) SPECIFICALLY EXCLUDED FACILITIES.—

4 Such term shall not include—

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

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

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

21 “(A) NATIONAL LIMITATION.—The aggre-  
22 gate amount allocated by the Secretary under  
23 subparagraph (C) shall not exceed  
24 \$5,000,000,000.

1           “(B) ENFORCEMENT OF NATIONAL LIM-  
2           TATION.—An issue shall not be treated as an  
3           issue described in subsection (a)(16) if the ag-  
4           gregate face amount of bonds issued pursuant  
5           to such issue for any qualified governmental  
6           building (when added to the aggregate face  
7           amount of bonds previously so issued for such  
8           facility) exceeds the amount allocated to such  
9           qualified governmental building under subpara-  
10          graph (C).

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

16                 “(i) the application for financing of  
17                 such qualified governmental building meets  
18                 the requirements set forth in subparagraph  
19                 (D), and

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

24          “(D) APPLICATIONS FOR FINANCING.—An  
25          application for financing a qualified govern-

1           mental building meets the requirements of this  
2           subparagraph if such application includes—

3                   “(i) the amount of the allocation re-  
4                   quested,

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

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

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

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

21                  “(vi) the following declaration signed  
22                  by an individual who has personal knowl-  
23                  edge of the relevant facts and cir-  
24                  cumstances: “Under penalties of perjury, I  
25                  declare that I have examined this docu-

1                   ment and, to the best of my knowledge and  
2                   belief, the document contains all the rel-  
3                   evant facts relating to the document, and  
4                   such facts are true, correct, and complete.”

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

14                  “(4) EXCEPTION FOR CURRENT REFUNDING  
15                  BONDS.—Paragraph (4) shall not apply to any bond  
16                  (or series of bonds) issued to refund a bond issued  
17                  under subsection (a)(16) 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 refunded bond is redeemed not  
2           later than 90 days after the date of the  
3           issuance of the refunding bond.

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

7           “(5) OFFICE SPACE.—Subsection (b)(2) shall  
8           not apply with respect to any qualified governmental  
9           building.

10           “(6) NO DEPRECIATION OR INVESTMENT CRED-  
11           IT.—No depreciation, amortization, or business cred-  
12           it under section 38 shall be allowed with respect to  
13           any facility described in subsection (a)(16) which  
14           has been financed by the net proceeds of the issue  
15           for so long as such bonds are outstanding.”.

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

19           (d) EXEMPTION FROM VOLUME CAP ON PRIVATE  
20           ACTIVITY BONDS.—Section 146(g)(3) of such Code is  
21           amended by striking “or (15)” and inserting “(15), or  
22           (16)”.

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



(F) Offset. — on page 917, line 22,  
replace "more than 1/3" with "more than 3/10."

