

I

114TH CONGRESS
2D SESSION

H. R. 5361

To amend the Internal Revenue Code of 1986 to provide for the tax-exempt financing of certain government-owned buildings.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2016

Mr. KELLY of Pennsylvania (for himself, Mr. BLUMENAUER, Mr. NOILAN, Mr. HASTINGS, Mr. KIND, and Mr. ZELDIN) 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 tax-exempt financing of certain government-owned buildings.

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. 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:

1 “(16) qualified government buildings.”.

2 (b) QUALIFIED GOVERNMENT BUILDINGS.—Section
3 142 of such Code is amended by adding at the end the
4 following new subsection:

5 “(n) QUALIFIED GOVERNMENTAL BUILDINGS.—

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

10 “(A) An elementary school or a secondary
11 school (within the meanings given such terms
12 by section 14101 of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C.
14 8801), as in effect on the date of the enactment
15 of this subsection).

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

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

20 “(D) A Court of law.

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

23 “(F) Public safety facilities (including po-
24 lice, fire, enhanced 911, emergency or disaster
25 management, and ambulance or emergency

1 medical service facilities and jails and correc-
2 tional facilities).

3 “(G) Offices for employees of a govern-
4 mental unit.

5 Such term shall include any equipment, functionally
6 related and subordinate facility, or land (and any
7 real property rights appurtenant thereto) with re-
8 spect to any such building or facility.

9 “(2) SPECIFICALLY EXCLUDED FACILITIES.—
10 Such term shall not include—

11 “(A) a building or facility the primary pur-
12 pose of which is one of the following: retail food
13 and beverage services, or the provision of recre-
14 ation or entertainment, or

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

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

4 “(A) NATIONAL LIMITATION.—The aggre-
5 gate amount allocated by the Secretary under
6 subparagraph (C) shall not exceed
7 \$5,000,000,000.

8 “(B) ENFORCEMENT OF NATIONAL LIMI-
9 TATION.—An issue shall not be treated as an
10 issue described in subsection (a)(16) if the ag-
11 gregate face amount of bonds issued pursuant
12 to such issue for any qualified governmental
13 building (when added to the aggregate face
14 amount of bonds previously so issued for such
15 facility) exceeds the amount allocated to such
16 qualified governmental building under subpara-
17 graph (C).

18 “(C) ALLOCATION BY THE SECRETARY.—
19 The Secretary shall allocate a portion of the
20 amount described in subparagraph (A) to a
21 qualified governmental building if the Secretary
22 determines that—

23 “(i) the application for financing of
24 such qualified governmental building meets

1 the requirements set forth in subparagraph
2 (D), and

3 “(ii) the amount of the allocation re-
4 quested, if allocated by the Secretary,
5 would not cause the national limitation set
6 forth in subparagraph (A) to be exceeded.

7 “(D) APPLICATIONS FOR FINANCING.—An
8 application for financing a qualified govern-
9 mental building meets the requirements of this
10 subparagraph if such application includes—

11 “(i) the amount of the allocation re-
12 quested,

13 “(ii) the name of the governmental
14 unit that will own the project, together
15 with complete contact information,

16 “(iii) a description of the project as a
17 whole and the proposed organizational and
18 legal structure of the project,

19 “(iv) a timeline showing the estimated
20 start and completion dates for each major
21 phase or milestone of project development
22 and an indication of the current status of
23 milestones on this timeline, including all
24 necessary permits and environmental ap-
25 provals,

1 “(v) a statement of anticipated
2 sources and uses of funds for the project,
3 and

4 “(vi) the following declaration signed
5 by an individual who has personal knowl-
6 edge of the relevant facts and cir-
7 cumstances: “Under penalties of perjury, I
8 declare that I have examined this docu-
9 ment and, to the best of my knowledge and
10 belief, the document contains all the rel-
11 evant facts relating to the document, and
12 such facts are true, correct, and complete.”

13 “(E) USE OF ALLOCATION IN A TIMELY
14 MANNER.—If, following an allocation by the
15 Secretary under subparagraph (C), bonds are
16 not issued in the amount of such allocation
17 after the date that is 2 years after the date of
18 such allocation, then the unused portion of the
19 allocation shall be withdrawn, unless the Sec-
20 retary, upon a showing of good cause by the ap-
21 plicant, grants an extension of such date.

22 “(4) EXCEPTION FOR CURRENT REFUNDING
23 BONDS.—Paragraph (4) shall not apply to any bond
24 (or series of bonds) issued to refund a bond issued
25 under subsection (a)(16) if—

1 “(A) the average maturity date of the issue
2 of which the refunding bond is a part is not
3 later than the average maturity date of the
4 bonds to be refunded by such issue,

5 “(B) the amount of the refunding bond
6 does not exceed the outstanding amount of the
7 refunded bond, and

8 “(C) the refunded bond is redeemed not
9 later than 90 days after the date of the
10 issuance of the refunding bond.

11 For purposes of subparagraph (A), average maturity
12 shall be determined in accordance with section
13 147(b)(2)(A).

14 “(5) OFFICE SPACE.—Subsection (b)(2) shall
15 not apply with respect to any qualified governmental
16 building.

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

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

1 (d) EXEMPTION FROM VOLUME CAP ON PRIVATE
2 ACTIVITY BONDS.—Section 146(g)(3) of such Code is
3 amended by striking “or (15)” and inserting “(15), or
4 (16)”.

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

○